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INTERNATIONAL INDUSTRIAL CONTROL OF QUININE

by Walter M. Rudolph

As the United States and other nations re-examine international economic institutions and seek to reduce restrictions on international trade, quinine assumes an additional importance as a case study of the pre-war patterns of international industrial control. The purpose of this article is to examine historically the pertinent facts relative to the achievement of control over the production of cinchona bark and the marketing of quinine and to suggest, on the basis of those facts, possible policy measures which might be considered in the development of a program designed to assure for the United States in the future a continuing flow of necessary supplies of quinine compounds.

I
In the United States quinine is essential in peace and strategic in war. The bottle or the package of quinine in one form or another has been a familiar and indispensable object in the medicine cabinet of thousands of American homes. The drug has been widely used to combat the common cold and a variety of respiratory ailments. The importance of quinine in the treatment of malaria and similar diseases is well known. Quinidine, it is said, has no substitute in the treatment of certain heart diseases. Quinine compounds are said to have been indispensable in the polarization of lenses.

In the war years quinine was of vital importance to American armed forces in use against tropical and other diseases. Indeed, it took the events of World War II to dramatize fully the value of this

important drug to American health and national security. This new awareness was occasioned by the exposure of large numbers of American troops to malaria-infested areas and by enemy occupation of territories upon which the United States had previously been dependent for its normal source of quinine supplies.

The quinine trade, expressed in dollars, is not of startling significance. In 1937 and 1939 annual United States imports of quinine compounds amounted to only a little more than \$1,000,000, while imports of cinchona bark, from which quinine is derived, were valued at about \$800,000 in each of the two years. The importance of quinine to the United States does not lie in the dollar value of the nation's trade in this commodity. Its importance is due to its medicinal utility and to this country's dependence for supplies upon foreign sources.

American Supplies from Java

Although indigenous to South and Central America, the cinchona tree has had its most intensive cultivation in the Netherlands East Indies. Seeds were imported from the Americas into Java shortly after the middle of the last century. By 1890 the superiority of Javanese cinchona bark had been clearly demonstrated, and since that time over 90 percent of the world's supply has been drawn from that source. The superiority of Javanese bark rests upon its high alkaloid content compared with that cultivated in South or Central America. Quinine content of Java bark frequently runs as high as 7 to 13 percent. Most wild South and Central American bark contains no more than 1 or 2 percent quinine. However, cultivation of cinchona trees planted from seeds brought during the war from Java via the Philippines is likely to increase the quinine content of American cinchona bark.

U. S. Government Interest in Quinine Supplies

This Government's concern with quinine naturally centers upon a program designed to secure adequate supplies. As the United States and other nations re-examine international economic institutions and seek to reduce restrictions on international trade, quinine assumes an additional importance as a case study of the pre-war patterns of international industrial control. A program for obtaining adequate quinine supplies should include measures to free the quinine trade from the pre-war obstacles which restricted its production and distribution. The key to the industrial control of quinine rests in domination over the cinchona-tree plantations which produce the raw material necessary for quinine manufacture. Control of the industry has been achieved with relative ease, since the plantations are confined to a small geographic area.

II

Competition and Combined Control

Prior to 1892 cinchona bark had been sold in Java at auctions held twice a year. The first attempt to control the quinine market was launched in that year when European manufacturers organized a syndicate to buy the raw materials and sell quinine and other alkaloid deriva-

tives of cinchona bark. With consolidation of the major purchasing elements into a single buyer, auction bark prices declined drastically.

Two years later the Bandoengsche Kininefabriek was organized in Java to manufacture quinine sulphate. This company operated for almost 20 years in competition with European factories. The local factory, chiefly through development of the American market where requirements seemed large and stable, was able to guarantee native planters higher prices than the European manufacturers. It was able to sell finished products in many markets at lower prices than the Europeans, largely because of savings in raw material transportation costs. For more than a decade this organization flourished and its price policies stimulated planting activities. However, the resulting increase in bark offerings combined with the sharp drop in American demand for finished products following the panic of 1907 left the Bandoeng factory with an oversupply of bark. As a result, the factory was forced for a considerable period to decline all offers of bark not already contracted for. The withdrawal of the Bandoeng factory from the buying market resulted in greatly depressed prices for bark throughout the period 1908-1912. This experience led the planters to conclude that it would be desirable from their standpoint to stabilize the bark market.

Just prior to World War I, the major elements of the quinine trade entered into a combination to reduce competition in the production of cinchona bark and in the marketing of quinine in order to stabilize trade and prices. Negotiations were carried on from 1911 to 1913 between the Bandoeng and European manufacturers on the one hand and the Java planters on the other. The planters wanted a guaranteed market for their bark and to this end were actively planning erection of new factories in Java. The manufacturers opposed the erection of new plants and sought assurances that bark which they failed to purchase would not be thrown on the market for sale to other prospective purchasers.

Forming of Cartel

An accord was reached in 1913. Its provisions were designed to promote and protect the mutual interest of the parties. The manufacturers agreed

to buy certain minimum supplies each year at fixed minimum prices. The East Indian Government was authorized to erect a factory in Java to supply itself and the native population with a fixed maximum annual production. The Kina Bureau was established to police the agreement, settle controversies between planters and manufacturers, obtain statistical data, set standards and inspect bark for quality, and establish individual bark-delivery quotas among the various planters. The Bureau was composed of representatives of planters and manufacturers in equal numbers, with an impartial chairman. Manufacturers from the Netherlands, England, France, Germany, and Java were represented. The accord was to run for five years.

Because of the inability of the French, British, and German manufacturers to participate in negotiations during the war, the factories in the Netherlands and Bandoeng undertook negotiations with the planters when the first accord expired in 1918. Since that time, the Netherlands and Netherlands Indies factories have been the exclusive representatives of manufacturers in periodic agreements with the planters. The second accord was concluded in 1918, a third was concluded in 1923, and a fourth in 1928. The latter agreement ran for a ten-year period.

Cartel Controls

Since the third and fourth conventions contained only minor revisions of detail, an examination of the second convention concluded in 1918 will serve to reveal the pattern of industrial control in world quinine markets.¹ This convention provided for control over prices of raw materials and manufactured derivatives, and for allocation and control over sales of bark. It also provided for determination of technical standards, adjudication and settlement of disputes by the Kina Bureau, and collection of technical and statistical data.

Prices were controlled through delegating to the Bureau the function of setting the price of quinine sulphate, presumably on the basis of market conditions. A minimum price for bark was set, and fluctuations of bark prices over the minimum were provided for in a fixed ratio to prices of quinine sulphate.

Distribution of bark was controlled through requiring planters to ship to Amsterdam quotas of bark determined by the Bureau. Available bark in excess of these quotas could not be sold for "pharmaceutical" purposes. The effect of this provision was to require manufacturers all over the world, whether or not parties to the accord, to buy Java bark in Amsterdam from the Bureau. The Bandoeng factory was protected, however, through a requirement that pharmaceutical bark could be sold in Java provided its use was confined to the Netherlands East Indies and provided that all such sales had the approval of the Bureau.

Manufacturers were required to buy through the Bureau certain established annual minimum quotas. They submitted bids to the Bureau for and in excess of their quota, and the Bureau determined the amount each manufacturer received. The Bureau also set the quota to be delivered by each planter.

III

Effect of the Cartel Control on American Manufacturers

Because of the control outlined above over the essential raw material for the manufacturers of cinchona-bark alkaloid derivatives, enterprisers in the United States have been reluctant to enter the field. Prior to World War II only two American firms had been engaged in the manufacture in this country of quinine and other cinchona derivatives. During the war, a third firm processed some bark.

There is no indication that the American manufacturers were ever parties to the international quinine marketing agreements. They were, nevertheless, as indicated above, subject to the control of the Kina Bureau through that agency's determination of the amount of cinchona bark and derivative products they were permitted to have. More than that, the position of American manufacturers has been further complicated by the operation of the Netherlands manufacturers' selling agency in New York, which, paradoxically, makes

¹ For the full text of the quinine convention of 1918, see U.S. Department of Commerce, Bureau of Foreign and Domestic Commerce, *Trade Information Bulletin* no. 273, October 1924, "Quinine Production and Marketing" by Samuel H. Cross, pp. 29 ff.

the American manufacturers dependent on their principal competitor for their source of raw material. They have been subject to the threat of reduced raw-material supplies when attempting unilaterally to sell below the prices established by the Netherlands manufacturers' New York selling agency. Moreover, on occasion the latter agency has given large United States consumers substantial discounts below their established price. Since United States manufacturers depended upon the Kina Bureau for their supplies, they could meet this type of competition only if they were willing to take the chance of losing their source of raw materials.

Grand Jury Investigation

The effects of these and other practices led in 1928 to a Federal Grand Jury investigation of the quinine market. The files of the American manufacturers were subpoenaed. The grand jury brought an indictment charging a combination among European manufacturers depriving the American markets of the benefits of competition, price fixing in the United States, price raising in the United States, restriction of production, discriminatory pricing among United States consumers of quinine, and attempts to coerce American manufacturers into becoming parties to restrictive agreements. There was further evidence that the Kina Bureau and its New York selling agency enforced a unilaterally determined market-sharing arrangement in the United States. They fixed the quota of bark to be shipped to American manufacturers and deducted from that quota the bark equivalent of any quinine sold by American manufacturers to consumers which the Kina Bureau had allocated to other manufacturers. Moreover, there were indications that the monopoly control of quinine was used to force consumers to purchase other pharmaceuticals from the same source.

Although the Government claimed legal jurisdiction over the cartel in view of its effect upon the American market, it was clear that practical jurisdiction was unobtainable since the principal defendants remained outside the United States. Hence, in an attempt to induce the defendants to accept United States jurisdiction the criminal indictment was replaced by a civil complaint. Later,

a consent decree was negotiated with the principal defendants. Through the mechanism of the consent decree, entered in September 1928, the court perpetually enjoined the defendants from fixing retail prices in the United States, limiting the shipment or sale into or within the United States of cinchona bark or quinine derivatives, dividing profits or territory within the United States, discriminating in price among purchasers within the United States, or maintaining in force any contracts which would deny purchasers the right to deal in the products sold by a competitor.

The legal and practical difficulties of enforcing the decree, however, are dramatized in the last provision which reads: "*Provided, however, that nothing herein contained shall be construed to restrain or prohibit any defendant from doing any act or entering into any agreement which is entirely completed outside the United States and which does not require any act or thing to be done within the United States.*"

Wartime Needs

Throughout the 1930's American quinine manufacturers attempted to obtain permission from the Netherlands manufacturers to carry larger stocks in the United States, but such requests were invariably refused. During the antitrust investigation, in order to provide a method of collecting fines in the event of a criminal conviction the Government had seized stocks in the United States belonging to Netherlands manufacturers. Thereafter, the Netherlands were reluctant to maintain stocks in the United States on their own account. On the other hand, they refused to permit American manufacturers to maintain large stocks, since the existence of such stocks would, of course, have given American manufacturers more leverage in their bargaining for further requirements. American manufacturers attempted to develop a source of supply in Java independent of the European combination, but the Java planters refused to enter into any commercial relations which might antagonize the Netherlands manufacturers.

When the war clouds gathered in the later 1930's, American manufacturers redoubled their efforts to increase cinchona supplies. Up to that time all bark had been shipped to Amsterdam prior to transshipment to the United States. Following the

outbreak of war, after continued negotiations in which the Department of State intervened, this Government and the American manufacturers were able to purchase a few months' supply. Immediately prior to the invasion of the Netherlands, American manufacturers with the support of the Department again attempted to increase supplies in the United States. The Netherlands manufacturers, however, were not influenced in this matter by reports of Nazi plans of aggression, and before any action could be taken the Netherlands had been overrun.

Between the middle of 1940 and the end of 1941, American manufacturers and the Government made repeated efforts to increase substantially the cinchona stockpile in the United States. All such attempts, however, were resisted by the Kina Bureau officials, who had transferred the seat of their activities to Java, and supplies were obtained only after lengthy negotiations. Following the Japanese attack on Pearl Harbor and the conquest of Java, the United States Government was forced to rely on wild Latin American bark. High subsidies were paid and shipments of bark were obtained, but the bark contained low percentages of alkaloid. Inadequate American supplies of quinine were therefore supplemented with atabrine. Had the United States failed to develop this and other substitutes, the South Pacific campaign would have been placed in added jeopardy.

Current Quinine Supplies

Since the end of the war, Government purchase of wild Latin American bark has been continued, to avoid substantial increases in the prices of the finished product. The political situation in Java has handicapped attempts to obtain bark from that source. At present, United States stocks are very low. Since much of the Latin American bark contains little or no quinidine, availability of bark from Java assumes increasing importance.

IV

Immediate and Long-Range Interests

The developments briefly traced above suggest that the interests of this Government concerning production of cinchona bark and marketing of quinine are both immediate and long-range in nature. They may be considered immediate in that

current peacetime requirements of quinine must be obtained as quickly as possible. They may be regarded as long-range in that this Government should, in accordance with its policy of national defense, seek to insure that the United States security shall not again be jeopardized by the lack of this important product in the event of a future emergency. Also, this Government should, in accordance with its economic foreign policy, seek to free the competitive forces in the production of cinchona bark and the marketing of the manufactured products and to develop conditions providing equal opportunity and access to the quinine market for nationals of any country.

With stocks in the United States now reaching low levels, it is in the public interest that arrangements be made for the importation as expeditiously as possible of quinine derivatives or of cinchona bark with adequate alkaloid content sufficient as a minimum to satisfy the current needs of the United States market. These requirements, it may be pointed out, have been increased over the pre-war needs by the presence in this country of a large number of veterans who have returned from malaria-infested areas of the South Pacific. The United States Government has already sponsored a purchase program which requires negotiations with foreign sources. The Department of State is accordingly collaborating with appropriate Government procurement agencies and facilitating negotiations with foreign governments in this program.

As to the security aspect of this country's long-range policy, it is anticipated that quinine will be included in the program for accumulating strategic stockpiles within this country adequate to meet the essential military and civilian requirements of the United States in the event supplies are cut off during an emergency. In such event, the pre-war limitations upon the amount of stocks of cinchona bark which the cartel has permitted to be maintained within the United States must be removed if the stockpiling program is to be successful.

In pursuing this country's long-range economic interest, the United States policy should be directed toward seeking intergovernmental cooperation in eliminating the exclusive and monopoly control over Javanese cinchona bark. Since the exclusive purchasing arrangement, described above, among

the Netherlands manufacturing group was the key to the pre-war control over the manufacture and distribution of cinchona alkaloid derivatives, this Government should advance and support the principle that American quinine manufacturers should be permitted to make direct purchases of bark in Java at non-discriminatory prices and in unrestricted quantities for direct shipment to the United States. It should also urge the removal of limitations which have been placed on the level of stocks in the United States permitted American manufacturers. Furthermore, this Government should protect the right of American manufacturers to compete freely for customers without fear of unfair discriminatory practices in this country.

Relation to World Trade

These objectives might be achieved in either of two ways. The United States and other governments interested in these objectives might develop mutually satisfactory arrangements through a series of bilateral understandings or through a multilateral agreement. To this end, the United States might request interested governments to review the past marketing arrangements in the quinine industry and to cooperate in an effort to eliminate those features of the arrangements which deprive American and other quinine manufacturers of reasonable access to the raw materials necessary to their operations. Another way of achieving these objectives might be through an appeal to the ITO, following its establishment, for a suitable world-wide arrangement.

In its *Proposals for Expansion of World Trade and Employment*, the Department of State has advanced the position that "There should be individual and concerted efforts by members of the [International Trade] Organization to curb those restrictive business practices in international trade . . . which have the effect of frustrating the objectives of the Organization to promote expansion of production and trade, equal access to markets and raw materials, and the maintenance in all countries of high levels of employment and real income." Among the practices which are deemed restrictive in the *Proposals* are those which fix prices, divide markets, limit production or exports,

or exclude enterprises from particular fields. It would appear that the marketing arrangements in the quinine industry have run counter to most or all of these principles and would therefore be subject to inquiry by the International Trade Organization.

In the event that bilateral or multilateral understandings with other governments cannot be reached or that interested governments do not become members of the ITO, Governmental assistance to private business enterprises in the large-scale development of alternative sources of supply may be found advisable. Such assistance might result in the development not only of alternative sources of cinchona but also of synthetic quinine substitutes. To the extent that such assistance might require Government subsidies, it would doubtless be rendered with much reluctance in view of the Department's expressed disapproval of Government subsidies in international trade. However, in justice to itself and other consumer countries, this Government should take all practical measures to avoid complete dependence on the pre-war cartel for United States supplies of cinchona bark and its alkaloid derivatives unless assurances are received that such supplies will be available on a non-discriminatory and non-restrictive basis.

It should be emphasized that the future of synthetic substitutes may seriously affect the whole quinine industry. Research into quinine synthetics is reported already to have yielded extremely fruitful results. For example, wartime development of better methods for the use of atabrine in the suppression and treatment of malaria has demonstrated that atabrine is superior to quinine and that other anti-malarial compounds have been developed which may be even more effective than those heretofore used. Although alkaloids derived from cinchona bark still are important, especially for certain medicinal and industrial purposes, substitutes may displace these alkaloids to a considerable degree in many uses and thus lower the United States requirements for them. The nature and extent of the effect of such an economic shift upon the production and marketing of cinchona bark and its derivative products is not yet known.

NATIONAL WAR COLLEGE AND DEPARTMENT OF STATE

by Perry N. Jester, F.S.O.

The creation of the National War College for the joint training of carefully selected officers in the higher ranks of all the armed services and of the Department of State and the American Foreign Service has established a matrix for the shaping of leadership for the years to come by bringing together the ingredients of proved capacity, experience, knowledge, and a vision of tomorrow in the terms of national welfare.

The two great world wars of this century and the interval of peace or semi-peace between them have dramatically emphasized numerous fundamental requirements for both the victorious waging of war under modern conditions and the hoped-for successful conduct of peace, in a world in which time and space factors have suddenly diminished while all other operational factors have, during the same period, increased enormously in their complexity. Few of these fundamental requirements are more outstanding in their basic importance or in the far-reaching character of their implications than the following:

First, the necessity for extensive and continuous training for all positions of leadership right up to the highest level in both military and political spheres; and

Secondly, the need for greater and more effective

integration of effort and understanding on the part of all the services which operate to protect the national interest both in war and in peace. More simply described, the first requirement is the need for higher competence in command positions in situations of greater complexity, and the second, the need for more effective teamwork between services of varied backgrounds and functions.

These needs were pointed up more sharply than ever before in the second World War by the more extensive use of joint and combined staff work among the several fighting services at various levels of command and, as the war progressed, by the inclusion on some of these staffs of political advisers or political assistants representing the principal political and administrative authority of our Government in the field of foreign affairs, namely, the Department of State.

As now seen in retrospect, the record of our efforts for peace in the years between the two world wars might have been more fruitful if there had been closer working relations and a closer integration of policy between the political forces of our Government and the armed forces. It is now the opportunity of the present to correct the omissions of the past.

Building on the experience of many decades in the operation of the Army War College and the Naval War College and in view of the new emphasis in World War II on joint operations and the need for joint training in the higher echelons of command, the Joint Chiefs of Staff in June 1943 established the Army and Navy Staff College. The purpose was to provide an organizational focus for the simultaneous training and indoctrination of ranking officers of all the armed services. This joint effort in training proved to be highly successful not only as an educational and training activity in itself but also as a contribution to the better integration of staff work and field operations between the several fighting services.

The experiences of the war, and even more the global requirements of our Government in the aftermath of the war, indicated the further desirability and even necessity not only of continuing such joint training on the command levels but of seeking better understanding as well between the various levels of high command in the armed forces and comparable positions of authority and responsibility in the Department of State and the Foreign Service of the United States.

Accordingly, in January 1946 the Joint Chiefs of Staff proposed the establishment of a combined institution for the joint training of carefully selected officers in the higher ranks of all the armed services and of the Department of State and the Foreign Service. On February 1, 1946, the Secretary of State agreed to the joint sponsorship of the new institution by the Department of State together with the War Department and the Navy Department and to the active participation of the organizations under his authority.

Planning went forward rapidly for an early beginning of actual training operations. The in-

terests of the Department and the Foreign Service in these initial negotiations were represented by the Director of the Office of the Foreign Service, Selden Chapin. Outstanding authorities in many fields, leading educators, and representatives of the great universities of the country were consulted in the formulation of the curriculum. The name, "National War College", was adopted, probably as the result of the taking over of the facilities of the old Army War College which had ceased to function as an institution during the war. On June 30, 1946 the Army and Navy Staff College also discontinued its independent status, and its staff, faculty, and functions were taken over by the new National War College, which began its official existence on July 1, 1946.

The announcement of plans for the establishment of a joint training institution for ranking officers of the three Departments and the services under their jurisdiction was widely acclaimed in the press of the nation as a forward step of great significance.

The National War College is admirably located in the buildings and grounds of the old Army War College, which was developed on the site of Fort Humphreys at Greenleaf Point where the Anacostia River and the Washington Channel come together, just a short distance from the junction of the former with the Potomac River. A well-developed library, gymnasium, and other facilities serve the needs of the faculty, staff, and students.

On the same grounds and associated with the National War College in its joint training activities is the Industrial College of the Armed Forces, which, as the name implies, has a more specialized function.

There has thus been created, under the direct authority of the Joint Chiefs of Staff, and with the full participation of the Department of State, a new high-level training institution which constitutes the apex of the training organizations and command schools in the several services, such as the Command and Staff College, Fort Leavenworth, Kansas; the Air University, Maxwell Field, Alabama; the Armed Forces Staff College, Norfolk, Virginia; the Naval War College, Newport,

Rhode Island; and the Foreign Service Institute which was recently authorized by Congress to take over the training functions of the personnel of the American Foreign Service and the Department of State.

The Commandant of the National War College is Vice Admiral Harry W. Hill, U.S.N., former Commandant of the Army and Navy Staff College. Deputy Commandants are Maj. Gen. Alfred M. Gruenther, U.S.A., and Brig. Gen. T. H. Landon, Army Air Forces. George F. Kennan, F.S.O., who was until recently Counselor of the American Embassy at Moscow, is Deputy for Foreign Affairs. The collaboration of the Department of State and the Foreign Service in this joint training venture is under the general supervision of Donald Russell, the Assistant Secretary of State for Administration.

The initial course of the National War College began on September 3, 1946, with a class composed of 30 Army Ground officers, 30 Army Air Force officers, 30 Naval officers, and 10 Foreign Service officers. In addition, there are 90 part-time students of the Industrial College of the Armed Forces. The students are senior officers of the four services who have been carefully selected from among those who have qualifications for high command. The ranks of the Army officers attending are made up of brigadier generals and colonels, the Navy officers have the rank of captain, and the Foreign Service officers are principally of classes II to IV. These ranks represent officers with 15 to 20 years of experience in each of the several services.

The Department of State and the Foreign Service are represented in this first class of officer-trainees by the following Foreign Service officers: William P. Cochran, Jr., John M. Cabot, Raymond A. Hare, Perry N. Jester, Foy D. Kohler, John J. MacDonald, Carmel Offie, Charles W. Thayer, William C. Trimble, and Walter N. Walmsley.

The first semester, from September 3 until December 20, is devoted primarily to politico-military subjects, with special attention to the integration of our foreign policy with our military policy. Detailed study will also be directed to the foreign

policy of the United States in all its regional aspects and to its relation to the foreign policies of other major powers. The impact of the atomic age upon international and military problems will be investigated and discussed. Problems of national defense will be covered with special attention to the United Nations, the aims and objectives of other nations, methods of pressure and adjustment between nations in accordance with international law, customary procedures in the past, and possible procedures in the future. Members of the class will be assigned problems of the type which are being continually handled by the State-War-Navy Coordinating Committee.

The second semester, from January 2 until June 21, will be devoted to problems of military strategy and joint operations, chiefly from the viewpoint of the Joint Chiefs of Staff and the Theater Commander. The impact of new weapons on future warfare will be studied. Analytical studies will be assigned covering specific operations and problems encountered in World War II. Special emphasis will be placed to determine the procedures on a national level which will utilize effectively scientific methods and scientific organizations.

Instruction will be principally by the lecture system, with committee studies, reports, and analyses by individual students. Extensive use will be made of problems in which realistic situations will be assumed and solutions will be required by student groups.

Members of the faculty have been and will be drawn chiefly from the larger universities, the armed forces, and the Department of State. Among the distinguished civilian members of the faculty are Professor Hardy C. Dillard, University of Virginia, who serves as director of studies; Professors Bernard Brodie and Sherman Kent, Yale University, and Professor Walter L. Wright, Jr., Princeton University. Prominent scientists, professors, and other civilian specialists have been and are being invited to deliver lectures.

Among the notable lecturers from without the faculty addressing the students of the National War College during the first month of its initial course (September 1946) were the following persons:

Dr. W. A. McNail, director, Bell Telephone Laboratories; Maj. Gen. Leslie R. Groves, U. S. A.; Dr. Carleton J. Hayes, Columbia University; Dr. Charles A. Thomas, vice president, Monsanto Chemical Co.; Dr. Edward M. Earle, Institute for Advanced Study, Princeton, N. J.; Mr. John M. Hancock, War Resources Board; Senator Brien McMahon, United States Senate; Dr. James B. Conant, president, Harvard University; Dr. J. Robert Oppenheimer, University of California; Mr. Joseph Barnes, foreign editor, New York *Herald Tribune*; Professor Harold J. Laski, University of London, England; Field Marshal Viscount Bernard L. Montgomery of Alamein; Dr. Jacob Viner, Princeton University; Vice Admiral Russell Willson, U.S.N.; Professor Arnold Oscar Wolfers, Yale University; Professor Grayson Louis Kirk, Columbia University; Professor Philip C. Jessup, Columbia University; Professor Denis William Brogan, Cambridge University, England; Professor Harold Sprout, Princeton University; Dr. Isaiah Bowman, president, Johns Hopkins University.

There has thus been founded a college which in itself takes rank as the highest-level educational institution of the United States Government, and an organization where, under skilled guidance, the defense of the United States, the protection of its interests, and the furtherance of its policy may be jointly studied and possibly furthered by officers of those services which are called upon to implement such policy both in times of war and in times of peace. It would be a mistake, however, to regard this process and probable result as arising solely from the study of books or the expounding of themes. The by-products of the association of this group of officers, in terms of reciprocal friendship and mutual regard, loom large in the thinking of its planners. As usual in complex human affairs, the imponderables may be decisive. The hours spent in athletic pursuits, although brief, in relaxation together, and the opportunity afforded for the cross-fertilization of ideas arising from different modes of past training and experience, may lay the foundation for vital cooperation in the interests of the nation in days to come.

It would also be a mistake to view the objective of this joint training as a preparation for war.

On the contrary, the emphasis rests on the discovery of means for the maintenance of peace. In this sense, the institution is unsuitably named. It should be called, at least, the National Defense College or College of National Security. In this sense also, the contribution of the Department of State may well be constructive and forceful.

Lastly, it would be a mistake to assume that the method of approach to the problems posed by these objectives is confined to an over-intensive study of the past or to an emphasis on the differences which have, up to the present, divided and separated these varied services. The purpose of the institution is to orient this carefully selected cadre of officers into the requirements of the future, into the demands of times unborn; and a premium is therefore placed on imagination, foresight, and the ability to learn to pull together as one high command team.

There is one final observation which arises from a consideration of the importance of this new institution. A matrix has been established for the shaping of leadership for the years to come, by bringing together the ingredients of proved capacity, experience, knowledge, and a vision of the needs of tomorrow in terms of national welfare. It is therefore quite within the realm of possibility that this college may afford the mechanism for bringing together on a very high level the requirements of national policy and strategy as seen by the armed services; the long-range planning in the field of international relations which will be carried out by the Department of State and the Foreign Service; the specific training and background preparation in that field which will be developed by the Foreign Service Institute; the considerations of national welfare in the domestic field as these may be interpreted by the other Departments of the executive branch of the Government; and the equally useful participation of political leaders from the Congress of the United States who are concerned with both domestic and foreign issues. In this joint effort, there may be found in the National War College a suitable meeting-place for the contributions of many minds and many types of experience to the problems which surround the achievement of peace and the path of life, liberty, and the pursuit of happiness for millions of Americans.

THE UNITED NATIONS

Observance of UNESCO Month

STATEMENT BY THE SECRETARY OF STATE

[Released to the press October 29]

UNESCO—the United Nations Educational, Scientific and Cultural Organization—is an important agency of the United Nations. Its task is to lay the foundations of future world peace in the minds and hearts of men. A major duty of modern statesmanship is to establish conditions of mutual understanding among the peoples of the world. This can only be achieved if the peoples of the world themselves turn their thoughts toward this goal.

The meeting of the General Conference of UNESCO, which opens on November 19 in Paris, furnishes an appropriate occasion for emphasizing the fundamental unity which in part already exists, but in part must yet be created, among all peoples. For this reason, the month of November has been designated as UNESCO Month. I hope that all citizens of the United States, singly and through their groups and organizations, will participate in its observance.

STATEMENT BY ASSISTANT SECRETARY BENTON¹

[Released to the press October 29]

The Preparatory Commission of UNESCO has called upon the people of member nations to mark the occasion of the annual meetings of the UNESCO General Conference with appropriate observances. Such observances would call attention to problems and to progress on the road toward mutual understanding among peoples.

The first of these annual meetings of the UNESCO General Conference opens in Paris November 19. The month of November, and through the period of the conference sessions, has therefore been designated as "UNESCO Month".

Special international exhibits, concerts, and lectures to mark "UNESCO Month" will be held in France, the host country. I hope that many

organizations in the United States, both national and local, will plan to demonstrate their interest in the aims of UNESCO. This they can do through school assemblies, for example, and through library exhibits and adult discussion groups.

I know of no task more challenging, more difficult, or more hopeful than the task of UNESCO: to advance the cause of peace through understanding among peoples. UNESCO is both a symbol and an instrument of our determination to construct the defenses of peace in the minds and hearts of men.

¹ Chairman of the American Delegation to the General Conference of UNESCO.

CONGRESSIONAL ADVISERS TO UNESCO

[Released to the press November 1]

William Benton, Assistant Secretary of State for public affairs, announced on November 1 that Senator James E. Murray, of Montana, and Congressman Chester Merrow, of New Hampshire, will serve as Congressional advisers to the United States Delegation to the first session of the General Conference of UNESCO, which will convene in Paris on November 19. Senator Murray

and Congressman Merrow have both been associated intimately with United States participation in the work of UNESCO during the past year. They were members of the United States Delegation which helped frame the UNESCO constitution in London in November 1945 and were the authors of the joint resolution enacted on July 30 as Public Law 565 which provides for membership and participation by the United States in UNESCO.

Transfer of Epidemiological Information Services
From UNRRA to Health Organization

An exchange of letters between Mr. F. H. La Guardia, Director General of UNRRA, and Dr. Brock Chisholm, Executive Secretary of the Interim Commission of the World Health Organization, at Lake Success on October 22, 1946, effected the transfer from UNRRA to the Interim Commission, as of December 1, 1946, of the duties and responsibilities in the international exchange of information assigned to UNRRA by the Sanitary Conventions of 1944. This exchange of letters gave effect to provisions of the protocols of April 30, 1946 prolonging the International Sanitary Convention, 1944, and the International Sanitary Convention for Aerial Navigation, 1944, and was conducted under the authority of resolution 94 of the Fifth Session of the UNRRA Council and the arrangement of July 22, 1946 establishing the Interim Commission. This constitutes the first step in consolidation, under the World Health Organization, of the international exchange of epidemiological information formerly conducted by the International Office of Public Health, the Health Organization of the League of Nations (and the United Nations as its heir), and UNRRA.

The letters effecting the exchange of functions follow:

DEAR DR. CHISHOLM:

In accordance with our discussion at the meeting held on Friday, October 11, 1946, of the Interim Commission-UNRRA Committee concerning the transfer, pursuant to Resolution 94, of the duties and functions relating to the administration of certain Sanitary Conventions entrusted to UNRRA under Resolutions 52 and 85 of the UNRRA Council, I propose that such duties and functions be assumed by the Interim Commission as from December 1, 1946. The duties and functions entrusted to the Administration under Resolutions 52 and 85 are specified in the International Sanitary Convention of 1944, modifying the International Sanitary Convention of June 21, 1926, the Protocol to Prolong the International Sanitary Convention, 1944, the International Sanitary Convention for Aerial Navigation, 1944, modifying the International Sanitary Convention for Aerial Navigation of April 12, 1933, and the Protocol to Prolong the International Sanitary Convention for Aerial Navigation, 1944.

The Administration upon receipt of the acceptance by the Interim Commission of this proposal will notify the Governments concerned of the transfer and of the date thereof, through the De-

(Continued on page 847)

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

Calendar of Meetings

In Session as of November 3, 1946

Far Eastern Commission	Washington	February 26
United Nations:		
Security Council	Lake Success	March 25
Military Staff Committee	Lake Success	March 25
Commission on Atomic Energy	Lake Success	June 14
UNRRA-Inter-governmental Committee on Refugees (IGCR)	Washington and	July 25
Joint Planning Committee	Lake Success	
General Assembly	Flushing Meadows	October 23
German External Property Negotiations with Portugal (Safehaven)	Lisbon	September 3
PICAO:		
Interim Council	Montreal	September 4
Regional		
Air Traffic Control Committee, European-Mediterranean Region	Paris	October 28
Divisional		
Meteorological Division	Montreal	October 29
Special Radio Technical Division	Montreal	October 30-November 8
International Committee on Weights and Measures	Paris	October 22
Permanent Committee of the International Health Office	Paris	October 23
FAO: Preparatory Commission to study World Food Board Proposals	Washington	October 28

Scheduled November 1946-January 1947

PICAO:		
Divisional		
Communications Division	Montreal	November 19
Search and Rescue Division	Montreal	November 26
Rules of the Air and Air Traffic Control Practices Division	Montreal	December 3
Personnel Licensing Division	Montreal	January 7
Aeronautical Maps and Charts Division	Montreal	January 14
World Health Organization: Interim Commission	Geneva	November 4
Council of Foreign Ministers	New York	November 4
International Telegraph Consulting Committee (CCIT)	London	November 4-9
IARA: Meetings on Conflicting Custodial Claims	Brussels	November 6
International Technical Committee of Aerial Legal Experts (CITEJA)	Cairo	November 6
International Wool Meeting	London	November 11-16

Calendar prepared by the Division of International Conferences, Department of State.

Calendar of Meetings—Continued

ILO:		
Industrial Committee on Textiles	Brussels	November 14-22
Industrial Committee on Building, Civil Engineering and Public Works	Brussels	November 25-December 3
UNESCO:		
Preparatory Commission	Paris	November 14-15
General Conference	Paris	November 19
"Month" Exhibition	Paris	November-December
Second Inter-American Congress of Radiology	Habana	November 17-22
International Whaling Conference	Washington	November 20
Rubber Study Group Meeting	The Hague	November 25
United Nations:		
ECOSOC: Commission on Narcotic Drugs	Lake Success	November 27
Statistical Commission	Lake Success	January (tentative)
Telecommunications Advisory Committee	Lake Success	November 10
Inter-American Commission of Women: Fifth Annual Assembly	Washington	December 2-12
Inter-governmental Committee on Refugees (IGCR): Sixth Plenary Session	London	December 11
Twelfth Pan American Sanitary Conference	Caracas	January 12-24
Second Pan American Conference on Sanitary Education	Caracas	January 12-24

Activities and Developments »

U. S. DELEGATION TO PREPARATORY COMMISSION OF FAO

[Released to the press October 28]

The President has approved the personnel of the United States Delegation to the Preparatory Commission which was convened by the Food and Agriculture Organization of the United Nations in Washington on October 28, 1946. The opening session was convened at 10:45 a.m., E.S.T., in the Department of Agriculture Auditorium. The Preparatory Commission will consider the proposals of the Director General of FAO regarding the establishment of a world food board and alternative proposals for accomplishing the same objectives (stabilizing agricultural prices and improving nutrition throughout the world). The meeting is being held pursuant to a resolution of the Second Session of the FAO Conference which was held in Copenhagen, Denmark, September 2 to 13, 1946.

Delegate

Norris E. Dodd, Under Secretary of Agriculture

Alternate Delegates

Willard L. Thorp, Deputy to the Assistant Secretary for Economic Affairs, Department of State
 Leslie A. Wheeler, Director, Office of Foreign Agricultural Relations, Department of Agriculture

Advisers

Dr. Howard B. Boyd, Director, Office of Price, Production and Market Administration, Department of Agriculture
 Edward G. Cale, Associate Chief, International Resources Division, Office of International Trade Policy, Department of State
 Joseph D. Coppock, Economic Adviser, Office of International Trade Policy, Department of State
 Carl N. Gibboney, Commodity Arrangements Policy Adviser, Commercial Policy Staff, Department of Commerce
 James G. Maddox, Special Assistant to the Chief, Bureau of Agricultural Economics, Department of Agriculture
 Leroy D. Stinebower, Special Assistant to the Assistant Secretary of State for Economic Affairs, Department of State, and Deputy Representative on the Economic and Social Council of U.N.
 Miss Faith M. Williams, Director, Staff of Foreign Labor Conditions, Department of Labor
 Dr. Oscar Zaglits, Head, Finance and Trade Policy Section, Office of Foreign Agricultural Relations, Department of Agriculture

Secretary of the Delegation

Duncan Wall, Head, Division of Foreign Information and Statistics, Office of Foreign Agricultural Relations, Department of Agriculture

U.S. TECHNICAL GROUP APPOINTED FOR PICAQ

[Released to the press October 30]

The composition of a United States technical group, meeting in Montreal on October 30 with the Special Radio Technical Division of the PICAQ Air Navigation Committee was announced by the Department of State.

The Special Radio Technical Division meeting has been called to formulate plans for an international agreement for standardized radio equipment.

The United States technical group is as follows:

Head of Technical Group

J. Paul Barringer, Assistant Chief, Aviation Division, Department of State

Alternate

Charles I. Stanton, Deputy Administrator, Civil Aeronautics Administration

Advisers

Capt. D. C. Beard, U. S. N., Operational Readiness, Electronics, Office of DCEO (Operations), Navy Department
 Capt. A. H. Bergeson, Electronics Division, RD & E, Bureau of Aeronautics, Navy Department
 Lt. Col. R. T. Black, Air Communications Office, Headquarters, Army Air Forces, War Department
 Capt. A. S. Born, Aviation Plans, Office of DCNO (Air), Navy Department
 Roy Bryan, Electronics Subdivision, War Department, Wright Field, Dayton, Ohio
 Peter Caporale, Chief, Communications Engineering Division, Federal Airways, Civil Aeronautics Administration
 Capt. G. L. Caswell, Office of DCNO (Operations), Communications Subsection, Fleet Operations, Navy Department
 E. A. Cutrell, American Airlines, New York, N. Y.
 Col. James K. DeArmond, Electronic Subdivision, War Department, Wright Field, Dayton, Ohio
 Robert Froman, Technical Assistant to Director, Safety Bureau, Civil Aeronautics Board
 Paul Goldsborough, Director of Communications, Transcontinental and Western Air, Inc.
 C. G. Harrison, Telecommunications Division, Department of State
 Lt. Comdr. G. E. Howarth, Engineering Division, U. S. Coast Guard
 J. L. Kinney, Flight Operations Service, Safety Regulations, Civil Aeronautics Administration
 C. M. Lample, Director, Air Navigation Facilities Service, Federal Airways, Civil Aeronautics Administration
 P. D. McKeel, Office of Assistant Administrator for Federal Airways, Civil Aeronautics Administration
 Capt. G. G. McLintock, Chief Inspection Officer, U. S. Maritime Service, U. S. Maritime Commission
 Lt. Comdr. J. L. McNally, Design Branch, Electronics Division, Bureau of Ships, Navy Department
 Thomas Murrell, Office of Secretary of War, War Department
 R. G. Nichols, Aeronautical Radio, Inc.
 F. B. Novenger, Aircraft and Components Service, Safety Regulation, Civil Aeronautics Administration
 Capt. C. H. Peterson, Operations Division, U. S. Coast Guard
 Col. J. H. Rothrock, Requirements Division, Headquarters, Army Air Forces, War Department
 George V. Stelzenmuller, Radio Engineer, Federal Communications Commission
 D. M. Stuart, Director, Technical Development Service, Federal Airways, Civil Aeronautics Administration
 V. I. Weihe, Air Navigation - Traffic Control Division, Air Transport Association of America
 W. L. Webb, Director of Engineering and Research, Bendix Radio Corporation, Baltimore, Md.
 E. L. White, Chief, Aviation Division, Federal Communications Commission

ACTIVITIES AND DEVELOPMENTS

U. S. DELEGATES TO INTERNATIONAL TELEGRAPH MEETING

[Released to the press October 30]

The United States has designated four observers to attend a meeting of a special commission of the International Telegraph Consulting Committee in London, November 4-9, the Department of State announced on October 30. The committee will prepare for the resumption of operations on the study of highly technical problems affecting international telegraph which were interrupted during the war.

The American observers are:

Clifford Durr, Commissioner of the Federal Communications Commission

David Adams, Attorney of the Federal Communications Commission

Marion W. Woodward, Assistant Chief Engineer of the Federal Communications Commission

William H. J. McIntyre, Telecommunications Attaché, American Embassy, London

The special commission, under the chairmanship of Hugh Townsend of the British Post Office within whose jurisdiction telegraph matters fall, will study the application throughout the world of the international telegraph-rate pattern for telecommunications services which was adopted at the Bermuda Telecommunications Conference last December under the auspices of the United States and the British Commonwealth.

While the United States is not a party to the International Telegraph Regulations and is not a member of the International Telegraph Consulting Committee, it received and accepted the invitation to send observers to the London meeting.

FINAL SESSION OF THE SECOND PAN AMERICAN CONGRESS OF MINING ENGINEERING AND GEOLOGY¹

The second Pan American Congress of Mining Engineering and Geology held its final session on

¹ Prepared by Mr. C. A. Wendel of the International Resources Division, Department of State.

² Prepared by the Division of International Conferences in collaboration with the Division of International Labor, Social and Health Affairs, Department of State.

October 15, 1946, at the Hotel Quitandinha, Petropolis, Brazil, after a two-week meeting devoted to discussion of mineral problems and to inspection of important mining and metallurgical operations in Brazil.

The final resolutions of the Congress, approved at the closing session, included reaffirmation of the Economic Charter of the Americas, sponsorship of a Pan American Institute of Mining Law, encouragement of the exchange of information and of technicians between the American countries, and promotion of uniform standards of statistics and of technical terms.

The Congress also expressed unanimously its desire that the Third Congress be held in the United States not later than four years hence. The United States Section of the Pan American Institute of Mining Engineering and Geology (PAIMEG) is charged with the responsibility of coordinating arrangements for this Congress.

Paul C. Daniels, Chargé d'Affaires ad interim of the American Embassy, served as chairman of the United States Delegation to the Second Congress. Other members of the Delegation were: Dr. R. R. Sayers, Director, Bureau of Mines; Dr. Edward Steidle, Pennsylvania State College; Dr. William E. Wrather, Director, Geological Survey; Clarence C. Brooks, Counselor of American Embassy in Brazil for Economic Affairs; Emerson I. Brown, Minerals Attaché of American Embassy, Rio de Janeiro; Ivan G. Harmon, Petroleum Attaché of the American Embassy, Rio de Janeiro; Roger Rhoades, Chief Geologist, Bureau of Reclamation; and Clarence A. Wendel, Department of State. In addition to the Delegation, about 20 other Americans, representing private industry and governmental agencies, took an active part in the proceedings of the Congress. The official transcriptions of the deliberations and conclusions of the Congress are not available at this time, pending printing and translation.

ILO INDUSTRIAL COMMITTEE ON TEXTILES²

The initial meeting of the ILO Industrial Committee on Textiles is scheduled to be held in Brussels, Belgium from November 14 through Novem-

ACTIVITIES AND DEVELOPMENTS

ber 22. Representing the Government of the United States will be Robert J. Myers, Manpower Division, Office of Military Government for Germany (United States), and Assistant Commissioner Designate, Bureau of Labor Statistics, United States Department of Labor; and Rene Lutz, Economic Analyst, Leather and Textile Division, United States Department of Commerce. Their advisers will include Verl E. Roberts of the Department of Labor, and Murray Ross of the Department of State. Textile employers of the United States will be represented by Edwin Wilkinson, Assistant to the President, National Association of Wool Manufacturers, and Herbert H. Schell, President, Sidney Blumenthal & Company Incorporated. Workers in the United States textile industry will be represented by Lloyd Klenert, Secretary-Treasurer, United Textile Workers of America, Washington, D. C., and John Vertente, Jr., Executive Council Member, United Textile Workers of America, New Bedford, Massachusetts.

The other countries scheduled to participate are: Australia, Belgium, Brazil, Canada, China, Denmark, Egypt, France, United Kingdom, India, Italy, Mexico, Norway, Netherlands, Peru, Poland, Sweden, Switzerland, Czechoslovakia, and Argentina. This meeting stems from the policy inaugurated by the Governing Body of the International Labor Office in January 1945 of establishing seven major Industrial Committees for the purpose of paying closer attention to the individual industries and thus implementing the previously evolved general principles governing labor standards and social policy on an individual industry basis. In line with these objectives, the ILO has already held the initial meetings of four of the Industrial Committees: Coal Mining, Inland Transport, Iron and Steel, and Metal Trades, in all of which the United States Government was represented by complete delegations. As in the case of the previously held committee meetings, the first session of the Textile Committee is expected to be largely organizational in character, and to lend itself to preliminary explorations into the fields of social policy in which future international cooperation in the world textile industries may be undertaken.

Information Services—Continued from page 842

partment of State of the United States of America, which is the depository of the above-named Conventions and Protocols. In addition, the Administration will transfer to the Interim Commission such of its records, equipment and other materials as are necessary to enable the Interim Commission to assume these duties and functions. The records, equipment and other materials proposed to be transferred are specified in Appendix 1,¹ enclosed herewith.

Sincerely yours,

F. H. LA GUARDIA
Director-General

DEAR MR. LA GUARDIA:

In response to your letter of October 22, I have the honour to inform you, in pursuance of paragraph 2 (f) of the Arrangement concluded on 22 July 1946 by 61 governments represented on the International Health Conference, assigning to the Interim Commission of the World Health Organization the task of taking all necessary steps for assumption by that Commission of the duties and functions entrusted to the United Nations Relief and Rehabilitation Administration by the International Sanitary Conventions, 1944 and the Protocols to prolong them, that the Interim Commission will undertake to carry out, as of 1st December 1946, the duties and functions which have been performed by the United Nations Relief and Rehabilitation Administration under these International Sanitary Conventions. I should be grateful if you would make the necessary arrangements to notify the governments now parties to these conventions of that fact.

I shall be glad, with your permission, to arrange with Dr. W. A. Sawyer, Director of Health, UNRRA, the practical arrangements for the transfer of these functions, together with the relevant materials, records and equipment which you have offered to the Interim Commission and which we gratefully accept.

Yours very sincerely,

BROCK CHISHOLM
Executive Secretary

¹ Not printed.

THE RECORD OF THE WEEK

United States-Arabian Views on Palestine Problem

EXCHANGE OF MESSAGES BETWEEN THE KING OF SAUDI ARABIA AND THE PRESIDENT¹

October 15, 1946.

YOUR EXCELLENCY:

In my desire to safeguard and strengthen in every way possible the friendship which binds our two countries together and which existed between the late President Roosevelt and which was renewed with Your Excellency, I reiterate my feelings on every occasion when this friendship between the United States on the one hand, and my country and the other Arab countries on the other hand, is endangered, so that all obstacles in the way of that friendship may be removed.

On previous occasions I wrote to the late President Roosevelt and to Your Excellency, and explained the situation in Palestine; how the natural rights of the Arabs therein go back thousands of years and how the Jews are only aggressors, seeking to perpetrate a monstrous injustice, at the beginning, speaking in the name of humanitarianism, but later openly proclaiming their aggressiveness by force and violence as is not unknown to Your Excellency and the American people. Moreover, the designs of the Jews are not limited to Palestine only, but include the neighboring Arab countries within their scope, not even excluding our holy cities.

I was therefore astonished at the latest announcement issued in your name in support of the Jews in Palestine and its demand that floodgates

of immigration be opened in such a way as to alter the basic situation in Palestine in contradiction to previous promises. My astonishment was even greater because the statement ascribed to Your Excellency contradicts the Declaration which the American Legation in Jeddah requested our Foreign Office to publish in the Government's official paper *Omm Al-Qura* in the name of the White House, on August 16, 1946, in which it was stated that the Government of the United States had not made any proposals for the solution of the Palestine problem, and in which you expressed your hope that it would be solved through the conversations between the British Government and the Foreign Ministers of the Arab States, on the one hand, and between the British Government and the third party on the other, and in which you expressed the readiness of the United States to assist the displaced persons among whom are Jews. Hence, my great astonishment when I read your Excellency's statement and my incredulity that it could have come from you, because it contradicts previous promises made by the Government of the United States and statements made from the White House.

I am confident that the American people who spent their blood and their money freely to resist aggression, could not possibly support Zionist aggression against a friendly Arab country which has committed no crime except to believe firmly in those principles of justice and equality, for which

¹ Abdulaziz Ibn Abdul-Rahman Al-Faisal Al-Saud.

the United Nations, including the United States, fought, and for which both your predecessor and you exerted great efforts.

My desire to preserve the friendship of the Arabs and the East towards the United States of America has obliged me to expound to Your Excellency the injustice which would be visited upon the Arabs by any assistance to Zionist aggression.

I am certain that Your Excellency and the American people cannot support right, justice, and equity and fight for them in the rest of the world while denying them to the Arabs in their country, Palestine, which they have inherited from their ancestors from Ancient Times.

With Greetings,

ABDUL-AZIZ

[Released to the press by the White House October 28]

October 28, 1946

YOUR MAJESTY:

I have just received the letter with regard to Palestine which Your Majesty was good enough to transmit to me through the Saudi Arabian Legation under date of October 15, 1946, and have given careful consideration to the views expressed therein.

I am particularly appreciative of the frank manner in which you expressed yourself in your letter. Your frankness is entirely in keeping with the friendly relations which have long existed between our two countries, and with the personal friendship between Your Majesty and my distinguished predecessor; a friendship which I hope to retain and strengthen. It is precisely the cordial relations between our countries and Your Majesty's own friendly attitude which encourages me to invite your attention to some of the considerations which have prompted this Government to follow the course it has been pursuing with respect to the matter of Palestine and of the displaced Jews in Europe.

I feel certain that Your Majesty will readily agree that the tragic situation of the surviving victims of Nazi persecution in Europe presents a problem of such magnitude and poignancy that it cannot be ignored by people of good will or humanitarian instincts. This problem is worldwide. It seems to me that all of us have a common respon-

sibility for working out a solution which would permit those unfortunates who must leave Europe to find new homes where they may dwell in peace and security.

Among the survivors in the displaced persons centers in Europe are numbers of Jews, whose plight is particularly tragic inasmuch as they represent the pitiful remnants of millions who were deliberately selected by the Nazi leaders for annihilation. Many of these persons look to Palestine as a haven where they hope among people of their own faith to find refuge, to begin to lead peaceful and useful lives, and to assist in the further development of the Jewish National Home.

The Government and people of the United States have given support to the concept of a Jewish National Home in Palestine ever since the termination of the first World War, which resulted in the freeing of a large area of the Near East, including Palestine, and the establishment of a number of independent states which are now members of the United Nations. The United States, which contributed its blood and resources to the winning of that war, could not divest itself of a certain responsibility for the manner in which the freed territories were disposed of, or for the fate of the peoples liberated at that time. It took the position, to which it still adheres, that these peoples should be prepared for self-government and also that a national home for the Jewish people should be established in Palestine. I am happy to note that most of the liberated peoples are now citizens of independent countries. The Jewish National Home, however, has not as yet been fully developed.

It is only natural, therefore, that this Government should favor at this time the entry into Palestine of considerable numbers of displaced Jews in Europe, not only that they may find shelter there, but also that they may contribute their talents and energies to the upbuilding of the Jewish National Home.

It was entirely in keeping with the traditional policies of this Government that over a year ago I began to correspond with the Prime Minister of Great Britain in an effort to expedite the solving of the urgent problem of the Jewish survivors in the displaced persons camps by the transfer of a substantial number of them to Palestine. It was

my belief, to which I still adhere, and which is widely shared by the people of this country, that nothing would contribute more effectively to the alleviation of the plight of these Jewish survivors than the authorization of the immediate entry of at least 100,000 of them to Palestine. No decision with respect to this proposal has been reached, but this Government is still hopeful that it may be possible to proceed along the lines which I outlined to the Prime Minister.

At the same time there should, of course, be a concerted effort to open the gates of other lands, including the United States, to those unfortunate persons, who are now entering upon their second winter of homelessness subsequent to the termination of hostilities. I, for my part, have made it known that I am prepared to ask the Congress of the United States, whose cooperation must be enlisted under our Constitution, for special legislation admitting to this country additional numbers of these persons, over and above the immigration quotas fixed by our laws. This Government, moreover, has been actively exploring, in conjunction with other governments, the possibilities of settlement in different countries outside Europe for those displaced persons who are obliged to emigrate from that continent. In this connection it has been most heartening to us to note the statements of various Arab leaders as to the willingness of their countries to share in this humanitarian project by taking a certain number of these persons into their own lands.

I sincerely believe that it will prove possible to arrive at a satisfactory settlement of the refugee problem along the lines which I have mentioned above.

With regard to the possibility envisaged by Your Majesty that force and violence may be used by Jews in aggressive schemes against the neighboring Arab countries, I can assure you that this Government stands opposed to aggression of any kind or to the employment of terrorism for political purposes. I may add, moreover, that I am convinced that responsible Jewish leaders do not contemplate a policy of aggression against the Arab countries adjacent to Palestine.

I cannot agree with Your Majesty that my statement of Oct. 4 is in any way inconsistent with the position taken in the statement issued on my behalf

on Aug. 16. In the latter statement the hope was expressed that as a result of the proposed conversations between the British Government and the Jewish and Arab representatives a fair solution of the problem of Palestine could be found and immediate steps could be taken to alleviate the situation of the displaced Jews in Europe. Unfortunately, these hopes have not been realized. The conversations between the British Government and the Arab representatives have, I understand, been adjourned until December without a solution having been found for the problem of Palestine or without any steps having been taken to alleviate the situation of the displaced Jews in Europe.

In this situation it seemed incumbent upon me to state as frankly as possible the urgency of the matter and my views both as to the direction in which a solution based on reason and good will might be reached and the immediate steps which should be taken. This I did in my statement of October 4.

I am at a loss to understand why Your Majesty seems to feel that this statement was in contradiction to previous promises or statements made by this Government. It may be well to recall here that in the past this Government, in outlining its attitude on Palestine, has given assurances that it would not take any action which might prove hostile to the Arab people, and also that in its view there should be no decision with respect to the basic situation in Palestine without prior consultation with both Arabs and Jews.

I do not consider that my urging of the admittance of a considerable number of displaced Jews into Palestine or my statements with regard to the solution of the problem of Palestine in any sense represent an action hostile to the Arab people. My feelings with regard to the Arabs when I made these statements were, and are at the present time, of the most friendly character. I deplore any kind of conflict between Arabs and Jews, and am convinced that if both peoples approach the problems before them in a spirit of conciliation and moderation these problems can be solved to the lasting benefit of all concerned.

I furthermore do not feel that my statements in any way represent a failure on the part of this Government to live up to its assurance that in its view there should be no decision with respect to the

basic situation in Palestine without consultation with both Arabs and Jews. During the current year there have been a number of consultations with both Arabs and Jews.

Mindful of the great interest which your country, as well as my own, has in the settlement of the various matters which I have set forth above, I take this opportunity to express my earnest hope that Your Majesty, who occupies a position of such eminence in the Arab world, will use the great influence which you possess to assist in the finding in the immediate future of a just and lasting solution. I am anxious to do all that I can to aid in the matter and I can assure Your Majesty that the Government and people of the United States are continuing to be solicitous of the interests and welfare of the Arabs upon whose historic friendship they place great value.

I also take this occasion to convey to Your Majesty my warm personal greetings and my best wishes for the continued health and welfare of Your Majesty and your people.

Very sincerely yours,

HARRY S. TRUMAN

Electoral Preparations in Rumania

U.S. VIEWS STATED IN NOTE TO RUMANIAN GOVERNMENT

[Released to the press October 29]

Text of note delivered by Burton Y. Berry, the representative of the United States in Rumania, to G. Tatarescu, the Rumanian Minister for Foreign Affairs, on October 28.

I have been instructed to inform you that, subsequent to its notes of May 27¹ and June 14² and the Rumanian Government's replies thereto, my Government has taken cognizance of the promulgation by the Rumanian Government of an electoral law, of the steps taken for registration of the Rumanian electorate, and of the announcement of a firm date for general legislative elections.

It is, however, a matter of concern to my Government that, according to information at its disposal which it regards as reliable, certain aspects of the electoral preparations in Rumania suggest

that these elections may not be of the free and equitable character assured by the Rumanian Government in its acceptance of the Moscow Conference decisions nor result in the choice of a Government responsive to the will of the people as envisaged in the Crimean Conference agreement.

Specifically, my Government observes the following apparent contraventions of the assurances which it received in January 1946 from the Rumanian Council of Ministers and its President:

(1) The freedom of participation in the elections promised in January appears to be seriously endangered in the case of those outside the present governmental electoral Bloc, by various acts of discrimination involving restrictions on registration and by the intimidation of individuals.

(2) The participating parties outside the governmental electoral Bloc have been wholly denied the use of broadcasting facilities, although they were promised equitable use of such facilities to present their views and although they are subjected to constant attack by the Bloc parties through this medium.

(3) The rights assured in January to print, publish and distribute their political publications is still greatly restricted in the case of parties outside the Bloc by direct and indirect means.

(4) Participating parties outside the governmental electoral Bloc continue to encounter major impediments and violent opposition to the right which was assured them to organize associations, hold meetings, and be allowed premises for this purpose.

Mindful of its undertakings under the Yalta, Potsdam, and Moscow Conference agreements, the Government of the United States takes this occasion, in anticipation of the announced elections, to recall the assurances communicated to it by the written declaration of the Council of Ministers and by the oral statement of the President of the Council, which formed a basis for recognition of the Rumanian Government by the Government of the United States.

¹ For Rumanian reply, see BULLETIN, June 9, 1946, p. 1007, and June 16, 1946, p. 1048.

² BULLETIN of June 30, 1946, p. 1125.

The Lawyer in Military Government of Germany

BY CHARLES FAHY

The lawyer, as was true of others engaged in the work of the occupation in Germany, had little in the way of precedents. This paper is intended only to be descriptive. It is not an analytical study of the legal work. It should be considered as if it were one of a series, opening up a general view without elaboration of the many facets of the work. The lawyer had his special problems as well as those related to the whole. For example, there reposed in the occupation authorities great power, unreviewable by a judiciary. The appeal was therefore to one's conscience, courage, and wisdom, guided by our traditions in so far as the purposes of the occupation permitted.

It seems desirable to review initially certain basic state papers relating to the occupation. The Crimea Conference communiqué of February 1945, issued by Churchill, Roosevelt, and Stalin, announced that common policies and plans had been agreed upon for enforcing unconditional surrender on Nazi Germany, and that under the agreed plans the forces of the three powers would occupy a separate zone in Germany.¹ "Coordinated administration and control has been provided for under the plan through a central control commission consisting of the Supreme Commanders of the three powers with headquarters in Berlin." France, it was stated, should be invited to take a zone of occupation, and to participate as fourth member of the Control Commission. On May 8, 1945, the act of unconditional military surrender had been signed in Berlin.² It contained a provi-

sion that its terms were without prejudice to and would be superseded by any general instrument of surrender imposed by or on behalf of the United Nations and applicable to Germany and her armed forces. On June 5 the commanders of the four powers issued at Berlin a declaration regarding the defeat and the assumption of supreme authority by the Governments of the United Kingdom, the United States, the U.S.S.R., and the Provisional Government of France.³ Certain specific instructions were contained in this statement, principally relating to military requirements. It was also provided that the Allied representatives would impose on Germany additional political, administrative, economic, financial, military, and other requirements, and would issue proclamations, orders, ordinances, and instructions, which all German authorities and the German people "shall fully comply with". On the same day, June 5, 1945, the four Governments issued another statement, this one describing the control machinery in Germany, as follows:⁴

"1. In the period when Germany is carrying out the basic requirements of unconditional surrender, supreme authority in Germany will be exercised, on instructions from their Governments, by the Soviet, British, United States, and French Commanders-in-Chief, each in his own zone of occupation, and also jointly, in matters affecting Germany as a whole. The four Commanders-in-Chief will together constitute the Control Council. Each Commander-in-Chief will be assisted by a political adviser.

"2. The Control Council, whose decisions shall be unanimous, will ensure appropriate uniformity of action by the Commanders-in-Chief in their respective zones of occupation and will reach agreed decisions on the chief questions affecting Germany as a whole.

"3. Under the Control Council, there will be a

Address delivered before the Section of International Comparative Law, American Bar Association, in Atlantic City, N.J. on Oct. 29 and released to the press on the same date. Mr. Fahy is Legal Adviser, Department of State.

¹ BULLETIN of Feb. 18, 1945, p. 213.

² BULLETIN of July 22, 1945, p. 106.

³ BULLETIN of June 10, 1945, p. 1061.

⁴ BULLETIN of June 10, 1945, p. 1064.

permanent Co-ordinating Committee composed of one representative of each of the four Commanders-in-Chief and a Control Staff organized in the following Divisions (which are subject to adjustment in the light of experience) :

"Military; Naval; Air; Transport; Political; Economic; Finance; Reparation, Deliveries and Restitution; Internal Affairs and Communications; Legal; Prisoners of War and Displaced Persons; Manpower.

"There will be four heads of each Division, one designated by each Power. The staffs of the Divisions may include civilian as well as military personnel, and may also in special cases include nationals of other United Nations appointed in a personal capacity.

"4. The functions of the Co-ordinating Committee and of the Control Staff will be to advise the Control Council, to carry out the Council's decisions and to transmit them to the appropriate German organs, and to supervise and control the day-to-day activities of the latter.

"5. Liaison with the other United Nations Governments chiefly interested will be established through the appointment by such Governments of military missions (which may include civilian members) to the Control Council. These missions will have access through the appropriate channels to the organs of control.

"6. United Nations organizations will, if admitted by the Control Council to operate in Germany, be subordinate to the Allied control machinery and answerable to it.

"7. The administration of the 'Greater Berlin' area will be directed by an Inter-Allied Governing Authority, which will operate under the general direction of the Control Council, and will consist of four Commandants, each of whom will serve in rotation as Chief Commandant. They will be assisted by a technical staff which will supervise and control the activities of the local German organs.

"8. The arrangements outlined above will operate during the period of occupation following German surrender, when Germany is carrying out the basic requirements of unconditional surrender. Arrangements for the subsequent period will be the subject of a separate agreement."

Likewise on June 5 a third statement was made providing that Germany, within her frontiers as of 31 December 1937, would for purposes of the occupation be divided into four zones, one to be allotted to each power, as therein generally described, the occupying forces in each zone to be under a Commander-in-Chief.⁵ This statement also provided that the area of "Greater Berlin" would be occupied by forces of each of the four powers, and that there would be established an Inter-Allied Governing Authority (*Kommandatura*) consisting of the four Commandants appointed by their respective Commanders-in-Chief, to direct jointly the administration of the area. Later, on August 2, the Potsdam Protocol⁶ was signed in Berlin by Marshal Stalin, Prime Minister Attlee, and President Truman. France did not participate at Potsdam but in accordance with the statements of June 5 was invited to and did become a member of the Control Commission (after Potsdam called the Control Council) and assumed its place as one of the four occupying powers. The Potsdam Protocol contained the basic political and economic principles applicable to Germany. The following provision should be noted as bearing on the respective authority of the Control Council and the individual governments:

"In accordance with the agreement on control machinery in Germany, supreme authority in Germany is exercised on instructions from their respective governments, by the Commanders-in-Chief of the armed forces of the United States of America, the United Kingdom, the Union of Soviet Socialist Republics, and the French Republic, each in his own zone of occupation, and also jointly, in matters affecting Germany as a whole, in their capacity as members of the Control Council."

I went to Germany in July 1945, to become Legal Adviser to the Military Governor and Deputy Military Governor and Director of the Legal Division with supervision of the legal work in the United States zone and of the United States participation in the quadripartite control machinery. General Eisenhower was Commander-in-Chief of the Armed Forces and Military Governor, the positions now occupied by General McNarney. Lieu-

⁵ BULLETIN of June 10, 1945, p. 1052.

⁶ BULLETIN of Aug. 5, 1945, p. 153.

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tenant General Lucius D. Clay, Deputy Military Governor, was, as he is now, in immediate charge of the United States Governmental staff, and is our member of the Coordinating Committee. Joint control of the whole of Germany on the agreed quadripartite basis had not begun in July, 1945. It was to await the conclusion of the Potsdam Conference soon to convene. Preparations, however, were under way.

Before the general movement of Military Government staff personnel to Berlin in August I was there for about 24 hours at a conference of Mr. Justice Jackson with Secretary Byrnes, General Betts, Theatre Judge Advocate, and Assistant Secretary of War McCloy. It happened to be the day of the general election in England. Mr. Churchill had gone home to await the results, and as you know the great war leader was succeeded at Potsdam by Mr. Attlee.

Berlin was in ruins. A few young Russian soldiers stood guard amid the shambles of the previous grandeur of the Reich Chancellery. These ruins were typical of the collapse and devastation of the cities of Germany. In our own sector of Berlin our Army was physically rehabilitating a group of buildings selected as the seat of U.S. Military Government, and our forces were also putting in usable condition one of the large Berlin Court buildings which was soon to become the seat of the Allied Control Authority for the government of all of Germany under the four-power machinery.

Pending the activation of the quadripartite machinery of government, our own zone (the *Länder* of Bavaria, Greater Hesse, and Württemberg-Baden), as well as the U.S. sector of Berlin, were completely occupied by the Army. The inhabitants of the zone numbered approximately sixteen millions at that time. United States policy for the zone had been formulated prior to the occupation and had been put into effect through directives of the Joint Chiefs of Staff. The principal directives (J.C.S. 1067) had been implemented in the zone in considerable detail by laws and orders covering a wide range.⁷ These had to do not only with law and order, but with provisions designed to carry out the policies of de-Nazification, demili-

tarization and deindustrialization, and the reestablishment of a basis of a free society with Nazi influences eliminated. The task cannot be appraised without reference to the utter collapse of Germany. It was not merely a complete military collapse ending in unconditional surrender. The disintegration of the armies in the field was accompanied by full economic and governmental collapse. In the field of government, for example, not only had all executive functions ceased, but all the courts were closed. In the economic life, all transport and communication were at a standstill. Life was barren and chaotic. Only on the farms (and they were largely stripped of manhood except the old and infirm) was there evidence of productive economic life and that wholly inadequate for the needs of subsistence. The cities were physical ruins. Millions of armed forces were prisoners, and millions of displaced persons were on the hands of the occupying forces, struggling homeward or seeking some place other than where they had been.

With our forces in our zone and in Berlin were a number of trained Military Government detachments to assist in the control and direction of the life of the inhabitants on a governmental basis. With these detachments were legal officers and officers who in their training had specialized in various branches of governing responsibility. These Military Government units were initially, by reason of general conditions, especially of communications, almost self-contained and somewhat isolated. General coordination and supervision in theory, and gradually in practice as time permitted, stemmed back principally to Army G-5 (Civil Affairs) at Frankfurt, where our Commander-in-Chief retained his headquarters. Later there were established direct channels on an operational level between the Berlin headquarters of the Office of Military Government and the offices in the zone. Actual integration of policy with operations lagged behind responsibility while the difficult tasks of communications and channels of authority were solved. The changes in procedures from the command of a great fighting army to the methods of governmental functioning were not simple and of course were complicated by conditions within Germany.

⁷ BULLETIN of Oct. 21, 1945, p. 566.

On the quadripartite basis, with jurisdiction through all of Germany, as has been indicated, there are the Control Council and the Coordinating Committee. Below these levels are the Four Power Directorates, composed of the four Directors of a particular junction. The Coordinating Committee and these Directorates meet almost continuously. The Legal Directorate, for example, meets regularly twice a week. Some Directorates meet oftener. The scope of the work is illustrated by naming some of the other Directorates, such as the Political, Economic, Finance, Manpower, Civil Affairs, Intelligence, Prisoners of War and Displaced Persons, and Armed Forces. Their number and character went through some change as experience dictated. Before these Directorates and their subdivisions, or committees, the problems of the occupation come, including questions of agriculture, industry, transportation, labor, finance, education, public safety, public health, military and naval problems, communications, including postal, trade and commerce, political, legal, etc. The proceedings of the Control Council, Coordinating Committee, and Directorates are in three languages. Laws are also published in German unless solely administrative and having no impact on the population. The work is facilitated by well-organized secretariats.

One further development in the total of governmental structure created since the occupation should here be mentioned. In each zone there have been created German agencies on a state-wide basis, the foundations of a democratic government. This is in addition to numerous local officials. The United States, I believe, has been well in advance of the other powers in this respect. Much responsibility has gradually been placed upon the German Ministers and agencies under them in the three *Länder* in the U.S. zone. Their work is coordinated through a *Landrat* established at Stuttgart. This subject deserves separate treatment and I shall not enlarge upon it.

The first meetings of the Control Council, Coordinating Committee, and Directorates were held under American Chairmanship in August 1945 in Berlin. The legal Directorate began consideration immediately of drafts of several proposed enactments establishing the basic legislative

scheme for the Control Authority; that is, the form of legislative action, divided into defined categories of proclamations, laws, orders, directives, and instructions; the establishment of the official languages for legislative action; and provision for a gazette of laws and orders to be issued periodically. One of the early accomplishments of the Legal Directorate was agreement on Proclamation no. 1⁸ (signed by the Control Council August 30, 1946) announcing to the people of Germany the assumption of supreme authority by the four governments in accord with the June 5 statement, the establishment of the Control Council, and the continuation in force in the several zones of the existing laws and orders issued by the respective Commanders-in-Chief. We then agreed upon the repeal of a long list of laws of a political or discriminatory character upon which the Nazi regime rested (Law No. 1,⁹ signed by the Control Council 20 September, 1945). This law also contained a general provision that no German enactment "shall be applied judicially or administratively" so as to discriminate against any person by reason of his race, nationality, religious beliefs, or opposition to the N.S.D.A.P. or its doctrines. At the same time was enacted Law No. 2,¹⁰ terminating the National Socialist German Labor Party, its formations, affiliated, associated, and supervised organizations, including paramilitary organizations, and confiscating their assets. A lengthy list of organizations was appended to this statute.

We then turned to affirmative action, and agreement was reached upon the terms of Proclamation No. 3 entitled "Fundamental Principles of Judicial Reform".¹¹ The paper which eventuated in this Proclamation of the Control Council was introduced before the Legal Directorate by the United States, and was handled there largely by Judge J. Warren Madden, then Associate Director of the Legal Division and later Director. The proclamation provides in part: "All persons are equal before the law. No person, whatever his race, nationality or religion, shall be deprived of

⁸ For text of proclamation, see p. 859.

⁹ For text of law, see p. 859.

¹⁰ For text of law, see p. 860.

¹¹ For text of proclamation, see p. 861.

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his legal rights; no person shall be deprived of life, liberty or property without due process of law; criminal responsibility shall be determined only for offenses provided by laws; crimes 'by analogy' or 'sound popular instinct' were prohibited. The accused in criminal cases shall have 'the right to a speedy and public trial and to be informed of the nature and cause of the accusation'; sentences on persons convicted under the Hitler regime on political, racial or religious grounds 'must be quashed'; People's Courts were abolished and prohibited. This was soon followed by Law No. 4, signed 30 October, 1945,¹² establishing the structure of the German judicial system. By this law the following system of ordinary courts was re-established: *Amtsgerichte*, *Landgerichte*, *Oberlandesgerichte*, with defined jurisdiction. The principal feature of the law in its context in the German Judicial system was the omission of any provision for an appellate court higher than the land or state level. The Supreme Court of Germany was not reestablished. This Law No. 4 for the whole of Germany conformed in essentials to the judiciary plan which had been established in the U.S. zone.

On initiative of the United States, Law No. 5 was now cleared by the Legal Directorate and was enacted by the Control Council 30 October, 1945. This is the famous law entitled "Vesting and Marshalling of German External Assets", under which the four powers assumed control of all German assets abroad in aid of the elimination of German war potential.¹³ Shortly thereafter came the law for the seizure of property owned by I.G. Farbenindustrie and the control thereof on a quadripartite basis, a matter which had already been accomplished in the U.S. zone. At this point I shall mention only two additional matters with which the lawyers dealt on a quadripartite basis during the earlier months of the meetings of the Legal Directorate. One was the promulgation by the Control Council of a comprehensive statement of principles for the administration of the German penal system, prepared by the Prisons Branch of the U.S. Legal Division. That Branch during the

earlier months of my work in Germany was headed by Mr. James V. Bennett, Director of the Federal Bureau of Prisons. He was succeeded by Mr. M. Alexander, who also went to Germany with us in July 1945, and remained after Mr. Bennett was obliged to return to his duties in the United States. The other is Control Council Law No. 10,¹⁴ a comprehensive war crimes law enacted by the Control Council in December, largely the handiwork in its drafting of Mr. Herman Phleger of San Francisco, who was then also Associate Director of the Division. This law not only defined the substantive crimes against peace and humanity, and war crimes, in terms similar to the London agreement for the Nürnberg trials, but also contained full provisions for the handling of requests for accused war criminals and for trials other than those conducted under the Charter of the International Military Tribunal. Here it should be noted that while the Legal Division of the Office of Military Government was entirely separate from the staff of U.S. Chief of Counsel, Mr. Justice Jackson, and had no responsibility in the preparation or conduct of the great Nürnberg trial, we were called upon to aid in the planning and organization of the war crimes program other than the Nürnberg trial. This program was organizationally worked out in conferences with Mr. Justice Jackson, Brig. General Betts, then Theatre Judge Advocate, Brig. General Telford Taylor, and our staffs. The work now comes under the Office of Military Government and in immediate charge of the new U.S. Chief of Counsel for War Crimes. The Theatre Judge Advocate is continuing on his part the trial of a great many of the more orthodox types of war crimes, including a number of the crimes growing out of concentration camps. This is a part of the little-known story of the Theatre Judge Advocate of the Army, in his devotion to which Brig. General Betts gave his life in Germany after years of hard and faithful service.

The International Military Tribunal held its first session in Berlin, and our legal officers and personnel in the earlier weeks of the Tribunal's organization assisted it in its preliminary tasks, including the securing of counsel for a number of the defendants. Before leaving the subject of war crimes, I mention as of special interest now the

¹² For text of law, see p. 861.

¹³ BULLETIN of Feb. 24, 1946, p. 283.

¹⁴ For text of law, see p. 862.

provisions of the basic war crimes law (Control Council Law No. 10) dealing with membership cases. These provisions are available now as may be needed to effectuate the declaration of criminality in the Nürnberg judgment of certain categories of members of organizations, subject, I assume, to the recommendations contained in the judgment of the Tribunal regarding the degree of punishment of members. Mention should be made also of the elaborate revision of the discriminatory Hereditary Farm Law and of the Domestic Relations Laws and of the plans inaugurated by the Directorate for a more general reform of the German law.

The work of the Directorate saw a large area of agreement between the four nations. More important was the great area of agreement in the Coordinating Committee and the Control Council. It is well known that certain notable disagreements have persisted, especially regarding the treatment of Germany as an economic unit and related questions of reparations. Decisions of the Control Council are required to be unanimous. France was not a participant at Potsdam but is a member of the Control Council and an occupying power. She opposed the creation of certain central German administrative agencies called for under the Potsdam Protocol, upon which the United States firmly stood. The consequences of failure to obtain these agencies in the earlier months after Potsdam have not been fully remedied and tend toward zonal solidification. Nevertheless, the international cooperation is effective in innumerable respects. Agreement covers a wider and wider area as time and effort combine to that end and a fine working spirit has been maintained between the representatives of the four powers.

I shall pass now from the quadripartite legal work, thus very incompletely noted, and refer to some aspects of the lawyer's work within the United States zone.

The mandatory arrest categories of early directives soon presented a problem of considerable magnitude and importance in the zone. The Potsdam Protocol also provided that Nazi leaders, influential Nazi supporters, and high officials of Nazi organizations and institutions and any other persons dangerous to the occupation or its objectives

must be arrested and interned. Under the generally phrased description of "persons dangerous to the occupation", and under the previously existing directives in our zone devised before the occupation, many thousands of persons were arrested and interned. As the weeks and months passed it became apparent that many persons were being held who were not dangerous to the occupation, and were not wanted for trial as war criminals or other offenses. This was contrary to American principles. The problem, then, was to inaugurate procedures for release, governed by standards having relation to the purposes of the occupation. A system of review boards was created for this purpose which gradually became an effective instrument for remedying unnecessary internments. The release of many thousands of persons was thus accomplished. The situation may roughly be compared to the internment within the United States of enemy aliens upon the outbreak of the war, followed by the system of review of the cases to remedy injustices. In our zone in Germany, however, the number of detainees involved was far greater than the number of alien enemies ever interned in this country. These procedures were accompanied from time to time by revision of the arrest categories as experience taught the wisdom thereof. The review board system constituted an advance in progress toward a rule of law and procedures more consistent with our traditions.

A related problem was the difficult one of methods by which to carry out the policies of de-Nazification and demilitarization incorporated in U.S. directives and in the Potsdam Agreement. This was, so far as the direct human element is concerned, one of the most far-reaching and difficult of all the problems of the occupation, especially as regards the future effects of the occupation in Germany. The primary purpose is to remove the influence of Nazism from all significant aspects of German life; and to permit the development of a free society. The arrests were a part of the initial program; also removals from positions in governmental, teaching, important business, and other aspects of life, and prevention of resumption of such positions. Necessarily the first approach, prepared prior to actual occupation, was a sweeping and categorical approach

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based on information then available and proceeding without much distinction between persons within named categories. As the occupation became stable, better organized, and secure, and as various aspects of de-Nazification continued to arise and recur, General Clay appointed a board of his four advisers (Political, Financial, Economic and Legal) with the Directors of the Divisions of Public Safety and Intelligence, to review the whole subject and recommend one comprehensive program, with the view also of ultimately placing responsibility upon German agencies as far as possible but with Military Government supervision as needed. The German Ministers in the U.S. zone, who had been selected and were then functioning, were also called upon for legislative recommendations. A thorough and painstaking study was made by our Board. The basic work was done by Lieutenant Colonel Robert Bowie and an executive staff working with him and the Board. The result of this work and that of the German Ministers was the enactment in our zone of a detailed German law which was approved by the Deputy Military Governor with the authority of the Military Governor on March 5, 1946. I am not able within this paper to describe it in detail, but note the following: Its procedural provisions would, I believe, stand the test of the due process clause of the Fifth Amendment. Its substantive provisions have regard for the principle that individual culpability varies according to the facts of cases, and that penalties must have regard to the degree of culpability. It was a further advance in the progress of a rule of law in the management of the occupation. Great responsibility in administration is vested by the law in German tribunals created under its terms and in other German officials. In this manner lasting good effects were deemed more likely to be accomplished. Military Government supervision was provided for in the instrument of approval. It is probable that this law, referred to by the International Military Tribunal in its recent judgment notwithstanding its zonal confines at that time, will play a very substantial part in the disposition of the cases of members of organizations declared criminal at Nürnberg. The basic principles of the law, I am advised, have been recently adopted

by the Control Council for application throughout Germany.

In our zone several other legislative enactments should be noted. The Frankfurt office was primarily responsible for a thorough revision of the Code of Criminal Procedure, and for the law for the control and ultimate disposition of the Wehrmacht properties. The Legal Division also participated actively in the studies and formulation of plans for the decisions to be made respecting the future structure of the German Government and the difficult problems of property control and disposition, claims, and restitution.

An extremely interesting part of the activities of the Division became its opinion work, which fell to the Legal Advice Branch of the Division. Mr. Alvin J. Rockwell, now Director of the Division, had charge of this Branch during most of my time as Director. It is now under Colonel John Raymond, who has returned to Germany after an interval at home. Questions were referred to us for opinion from the various agencies of Government. The opinions rendered were periodically digested. These digests and the full texts of the opinions were made available to all parts of the Office of Military Government. They cover a wide range, such as questions arising out of the Geneva conventions affecting prisoners of war; the legal relationship between the Potsdam Agreement and Joint Chiefs of Staff (U.S.) Directives; the legal consequences, as affects the authority of the Commanders in each of the four sectors in Berlin, of the fact that Berlin is in the Soviet zone of occupation; the status of certain German laws, and of treaties, under the conditions of the occupation; the status of horses as war booty or captured enemy property; the construction and proper application of the reparations provisions of the Potsdam Protocol; questions under the Trading With The Enemy Act. The flow of requests for opinions was steady, evidencing here the progression of a rule of law into the operations of Military Government under the quite unique circumstances of an occupation, after unconditional surrender, by four nations jointly and severally responsible for the government of a fifth and conquered country, and seeking to fulfil this responsibility in a manner which would eliminate the causes of the war and the in-

fluences of those who were responsible under the Hitler regime, and at the same time lay the foundations for the building of a peaceful community which would pursue the ideals of a democratic society.

No paper, however summary, on the legal work would be adequate without some mention of the burden borne by the legal officers in the zone communities and in our Berlin sector in manning and conducting the Military Government courts, and in the daily details of the assistance rendered by them to other branches of Military Government; or without mention of the work of the prison officers in the administration of the prisons, which was also a responsibility of the Legal Division, and the work done in connection with the German Patent Office in Berlin.

As time passed, the Legal Division was called upon increasingly to participate in the legislative

process beyond the area of its own special responsibilities. Governmental activities in the fields of taxation and other aspects of finance, and in problems of trade, labor, housing, and civil affairs, for example, as well as the activities, more specially those of the lawyer, enlisted the aid of the Legal Division and of the Legal Directorate. But I must end such a summary paper without attempting too much. When I left the work last May it was with a feeling of respect and admiration for the organization grouped around Lieutenant General Clay, who has been recently described appropriately as our great pro-consul in Berlin. Under him and General McNarney the task of carrying out American policy, and assisting in the formulation of that policy, tasks of the highest import, go forward with ability, devotion, and every success the circumstances permit.

Control Council Proclamations and Laws

CONTROL COUNCIL PROCLAMATION NO. 1

To the People of Germany:

The Commanders-in-Chief of the Armed Forces in Germany of the United States of America, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the Provisional Government of the French Republic, acting jointly as members of the Control Council do hereby proclaim as follows:

I

As announced on 5 June 1945, supreme authority with respect to Germany has been assumed by the Governments of the United States of America, the Union of Soviet Socialist Republics, the United Kingdom, and the Provisional Government of the French Republic.

II

In virtue of the supreme authority and powers thus assumed by the four Governments the Control Council has been established and supreme authority in matters affecting Germany as a whole has been conferred upon the Control Council.

III

Any military laws, proclamations, orders, ordinances, notices, regulations, and directives issued by or under the authority of the respective Commanders-in-Chief for their respective Zones of Occupation are continued in force in their respective Zones of Occupation.

CONTROL COUNCIL LAW NO. 1, REPEALING OF NAZI LAWS

The Control Council enacts as follows:

Article I

1. The following laws of a political or discriminatory nature upon which the Nazi regime rested are hereby expressly repealed, together with all supplementary and explanatory laws, ordinances and decrees:—

(a) Law concerning the Relief of Distress of the Nation and the Reich (*Gesetz zur Behebung der Not des Volkes und des Reiches*) of 24 March, 1933, RGB1. 1/41.

(b) Law for the reconstitution of Officialdom (*Gesetz zur Wiederherstellung des Berufsbeamtentums*) of 7 April, 1933, RGB1. 1/175.

(c) Law for the amendment of the Provisions of Criminal Law and Procedure (*Gesetz zur Änderung von Vorschriften des Strafrechts und des Strafverfahrens*) of 24 April, 1934, RGB1. 1/341.

(d) Law for the Protection of National Symbols (*Gesetz zum Schutze der nationalen Symbole*) of 19 May, 1933, RGB1. 1/285.

(e) Law against the creation of Political Parties (*Gesetz gegen die Neubildung von Parteien*) of 14 July, 1933, RGB1. 1/479.

(f) Law on Plebiscites (*Gesetz über Volksabstimmung*) of 14 July, 1933, RGB1. 1/479.

(g) Law for securing the Unity of Party and State

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(*Gesetz zur Sicherung der Einheit von Partei und Staat*) of 1 December, 1933, RGBL. I/1016.

(h) Law concerning insidious attacks against the State and the Party and for the protection of the Party Uniform and insignia (*Gesetz gegen heimtückische Angriffe auf Staat und Partei und zum Schutz der Parteiuniform*) of 20 December, 1934, RGBL. I/1269.

(j) Reich Flag Law (*Reichsflaggengesetz*) of 15 September, 1935, RGBL. I/1145.

(k) Law for the protection of German Blood and German Honour (*Getsetz zum Schutze des deutschen Blutes und der deutschen Ehre*), of 15 September, 1935, RGBL. I/1146.

(l) Reich Citizenship Law (*Reichsbürgergesetz*) of 15 September, 1935, RGBL. I/1146.

(m) Prussian Law concerning the Gestapo (*Preussisches Gesetz über die Geheime Staatspolizei*) of 10 February, 1936, G. S. 21.

(n) Hitler Youth Law (*Gesetz über die Hitlerjugend*) of 1 December, 1936, RGBL. I/993.

(o) Ordinance against support for the camouflaging of Jewish Businesses (*Verordnung gegen die Unterstützung der Tarnung Jüdischer Gewerbebetriebe*) of 22 April, 1938, RGBL. I/404.

(p) Ordinance for the reporting of Property of Jews (*Verordnung über die Anmeldung des Vermögens von Juden*) of 26 April, 1938, RGBL. I/414.

(q) Law concerning the alteration of the trade regulations for the Reich (*Gesetz zur Änderung der Gewerbeordnung für das deutsche Reich*) of 1 July, 1938, RGBL. I/823.

(r) Second Carrying out Ordinance of the Law concerning the changing of Family Names and Christian Names (*Zweite Verordnung zur Durchführung des Gesetzes über die Änderung von Familiennamen und Vornamen*) of 17 August, 1938, RGBL. I/1044.

(s) Ordinance concerning the Passports of Jews (*Verordnung über Reisepässe von Juden*) of 5 October, 1938, RGBL. I/1342.

(t) Ordinance for the elimination of Jews from economic life (*Verordnung zur Ausschaltung der Juden aus dem deutschen Wirtschaftsleben*) of 12 November, 1938, RGBL. I/1580.

(u) Police Ordinance concerning the appearance of Jews in Public (*Polizeiverordnung über das Auftreten der Juden in der Öffentlichkeit*) of 28 November, 1938, RGBL. I/1676.

(v) Ordinance concerning proof of German Descent (*Verordnung über den Nachweis deutschblutiger Abstammung*) of 1 August, 1940, RGBL. I/1063.

(w) Police Ordinance concerning the marking of Jews (*Polizeiverordnung über die Kennzeichnung der Juden*) of 1 September, 1941, RGBL. I/547.

(x) Ordinance concerning the employment of Jews (*Verordnung über die Beschäftigung von Juden*) of 31 October, 1941, RGBL. I/675.

(y) Decree of the Fuehrer concerning the legal status of the NSDAP (*Erlaß des Fuehrers über die Rechtsstellung der NSDAP*) of 12 December, 1942, RGBL. I/733.

(z) Police Ordinance concerning the identification of male and female workers from the East on Reich Territory (*Polizeiverordnung über die Kenntlichmachung der im Reich befindlichen Ostarbeiter und Arbeiterinnen*) of 19 June, 1944, RGBL. I/147.

2. The abrogation of the above mentioned laws does not revive any law enacted subsequent to 30 January, 1933, which was thereby repealed.

Article II

No German enactment, however or whenever enacted, shall be applied judicially or administratively in any instance where such application would cause injustice or inequality, either (a) by favouring any person because of his connection with the National Socialist German Labour Party, its formations, affiliated associations, or supervised organizations, or (b) by discriminating against any person by reason of his race, nationality, religious beliefs, or opposition to the National Socialist German Labour Party or its doctrines.

Article III

Any person applying or attempting to apply any law repealed by this law will be liable to criminal prosecution. Done at Berlin 20 September 1945 (CONL/P (45) 40)

CONTROL COUNCIL LAW NO. 2. PROVIDING FOR THE TERMINATION AND LIQUIDATION OF THE NAZI ORGANIZATIONS.

The Control Council enacts as follows:

Article I

1. The National Socialist German Labour Party, its formations, affiliated associations and supervised agencies, including para-military organizations and all other Nazi institutions established as instruments of party domination, are hereby abolished and declared illegal.

2. The Nazi organizations enumerated in the attached Appendix, or which may be added, are expressly abolished. [Not printed.]

3. The re-forming of any of the organizations named herein, whether under the same or different name, is forbidden.

Article II

All real estates, equipments, funds, accounts, records and other property of the organizations abolished by this law are confiscated. Confiscation is carried out by Military Commands; general directives concerning the distribution of the confiscated property are given by the Control Council.

Article III

Until such time as the property mentioned is actually placed under the control of the Military Commands all officers and other personnel, including administrative officials and others accountable for such property, are held personally responsible for taking any action necessary to preserve intact all such property and for complying with the orders of the Military Commands regarding such property.

CONTROL COUNCIL LAW NO. 4, REORGANIZATION OF THE GERMAN JUDICIAL SYSTEM

The Control Council, in accordance with its proclamation to the German people, dated 20 October 1945, deciding that the German judicial system must be reorganised on the basis of the principles of democracy, legality and equality before the law of the citizens, without distinction of race, nationality or religion, enacts as follows:

Article I

Reorganisation of the German courts, will in principle, take place in conformity with the Law concerning the Structure of the Judiciary of 27 January 1877, Edition of 22 March 1924 (RGB1 1/299). The following system of ordinary courts is to be reestablished: Amtsgerichte, Landgerichte, and Oberlandesgerichte.

Article II

The Jurisdiction of Amtsgerichte and Landgerichte in civil and criminal cases will in general be determined in conformity with the law in force on 30 January 1933; however, the civil jurisdiction of the Amtsgerichte will be extended to claim of a value not exceeding RM. 2000.

The Landgerichte will have appellate jurisdiction over decisions of the Amtsgerichte.

The Oberlandesgerichte will have no original jurisdiction but will have final appellate jurisdiction over the decisions of the Landgerichte in civil cases; they will have the right of review on question of law (Revision) over decisions of Amtsgerichte and Landgerichte in criminal cases as provided by law.

Article III

Jurisdiction of German Courts shall extend to all cases both civil and criminal with the following exceptions:

(a) Criminal offenses committed against the Allied Occupation Forces;

(b) Criminal offenses committed by Nazis or any other persons against citizens of Allied nations and their property, as well as attempts directed towards the re-establishment of the Nazi regime, and the activity of the Nazi organisations;

(c) Criminal offenses involving military personnel of Allied Forces or citizens of Allied nations;

(d) Other selected civil and criminal cases withdrawn from the jurisdiction of German Courts, as directed by the Allied Military Command;

(e) When an offense committed is not of such a nature as to compromise the security of the Allied Forces, the Military Command may leave it to the jurisdiction of German Courts.

Article IV

To effect the reorganization of the judicial system, all former members of the Nazi Party who have been more than nominal participants in its activities and all other

Article IV

Any person violating any provision of this law shall be liable to criminal prosecution.

Done at Berlin 10 October 1945 (CONL/P(45)44)

CONTROL COUNCIL PROCLAMATION NO. 3, FUNDAMENTAL PRINCIPLES OF JUDICIAL REFORM

By the elimination of the Hitler tyranny by the Allied Powers the terrorist system of Nazi Courts has been liquidated. It is necessary to establish a new democratic judicial system based on the achievements of democracy, civilization and justice. The Control Council therefore proclaims the following fundamental principles of judicial reform which shall be applied throughout Germany.

I. Equality before the Law

All persons are equal before the law. No person, whatever his race, nationality or religion, shall be deprived of his legal rights.

II. Guaranties of the Rights of the Accused

1. No person shall be deprived of life, liberty or property without due process of law.

2. Criminal responsibility shall be determined only for offences provided by law.

3. Determination by any court of any crime "by analogy" or by so-called "sound popular instinct", as heretofore provided in the German Criminal Code, is prohibited.

4. In any criminal prosecution the accused shall have the rights recognized by democratic law, namely the right to a speedy and public trial and to be informed of the nature and cause of the accusation, the right to be confronted with witnesses in his favour and the right to have the assistance of counsel for his defence. Excessive or inhuman punishments or any not provided by law will not be inflicted.

5. Sentences on persons unjustly convicted under the Hitler Regime on political, racial or religious grounds must be quashed.

III. Liquidation of Extraordinary Hitler Courts

The People's Court, Courts of the NSDAP and Special Courts are abolished and their re-establishment prohibited.

IV. Independence of the Judiciary

1. Judges will be independent from executive control when exercising their functions and owe obedience only to the law.

2. Access to judicial functions will be open to all who accept democratic principles without account of their race, social origin or religion. The promotion of judges will be based solely on merit and legal qualifications.

V.

Justice will be administered in Germany in accordance with the principles of this proclamation by a system of Ordinary German Courts.

Done at Berlin 20 October 1945

(CONL/P(45)48) (amended by CONL/M(45)9)

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persons who directly followed the punitive practices of the Hitler regime must be dismissed from appointments as judges and prosecutors and will not be admitted to those appointments.

Article V

In carrying out this law, it is left to the discretion of the Military Command gradually to bring the jurisdiction of German courts into conformity with this law.

Article VI

This law will come into force from the date of its promulgation. The Military Commanders of Zones are charged with its execution.

Done at Berlin 30 October 1945 (CONL/P(45)50)

CONTROL COUNCIL LAW NO. 10, PUNISHMENT OF PERSONS GUILTY OF WAR CRIMES, CRIMES AGAINST PEACE AND AGAINST HUMANITY

In order to give effect to the terms of the Moscow Declaration of 30 October 1943 and the London Agreement of 8 August 1945, and the Charter issued pursuant thereto and in order to establish a uniform legal basis in Germany for the prosecution of war criminals and other similar offenders, other than those dealt with by the International Military Tribunal, the Control Council enacts as follows:

Article I

The Moscow Declaration of 30 October 1943 "Concerning Responsibility of Hitlerites for Committed Atrocities" and the London Agreement of 8 August 1945 "Concerning Prosecution and Punishment of Major War Criminals of the European Axis" are made integral parts of this Law. Adherence to the provisions of the London Agreement by any of the United Nations, as provided for in Article V of that Agreement, shall not entitle such Nation to participate or interfere in the operation of this Law within the Control Council area of authority in Germany.

Article II

1. Each of the following acts is recognized as a crime:

(a) *Crimes against Peace.* Initiation of invasions of other countries and wars of aggression in violation of international laws and treaties, including but not limited to planning, preparation, initiation or waging a war of aggression, or a war of violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing.

(b) *War Crimes.* Atrocities or offenses against persons or property constituting violations of the laws or customs of war, including but not limited to, murder, ill treatment or deportation to slave labour or for any other purpose, of civilian population from occupied territory, murder or ill treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity.

(c) *Crimes against Humanity.* Atrocities and offenses including but not limited to murder, extermination, enslavement, deportation, imprisonment, torture, rape, or other inhumane acts committed against any civilian population, or persecutions on political, racial or religious grounds whether or not in violation of the domestic laws of the country where perpetrated.

(d) Membership in categories of a criminal group or organization declared criminal by the International Military Tribunal.

2. Any person without regard to nationality or the capacity in which he acted, is deemed to have committed a crime as defined in paragraph 1 of this Article, if he (a) was a principal or (b) was an accessory to the commission of any such crime or ordered or abetted the same or (c) took a consenting part therein or (d) was connected with plans or enterprises involving its commission or (e) was a member of any organization or group connected with the commission of any such crime or (f) with reference to paragraph 1 (a), if he held a high political, civil or military (including General Staff) position in Germany or in one of its Allies, co-belligerents or satellites or held high position in the financial, industrial or economic life of any such country.

3. Any person found guilty of any of the Crimes above mentioned may upon conviction be punished as shall be determined by the tribunal to be just. Such punishment may consist of one or more of the following:

(a) Death.

(b) Imprisonment for life or a term of years, with or without hard labour.

(c) Fine, and imprisonment with or without hard labour, in lieu thereof.

(d) Forfeiture of property.

(e) Restitution of property wrongfully acquired.

(f) Deprivation of some or all civil rights.

Any property declared to be forfeited or the restitution of which is ordered by the Tribunal shall be delivered to the Control Council for Germany, which shall decide on its disposal.

4. (a) The official position of any person, whether as Head of State or as a responsible official in a Government Department, does not free him from responsibility for a crime or entitle him to mitigation of punishment.

(b) The fact that any person acted pursuant to the order of his Government or of a superior does not free him from responsibility for a crime, but may be considered in mitigation.

5. In any trial or prosecution for a crime herein referred to, the accused shall not be entitled to the benefits of any statute of limitation in respect of the period from 30 January 1933 to 1 July 1945, nor shall any immunity, pardon or amnesty granted under the Nazi regime be admitted as a bar to trial or punishment.

Article III

1. Each occupying authority, within its Zone of occupation,

(a) shall have the right to cause persons within such Zone suspected of having committed a crime, including those charged with crime by one of the United Nations, to be arrested and shall take under control the property, real and personal, owned or controlled by said persons, pending decisions as to its eventual disposition.

(b) shall report to the Legal Directorate the names of all suspected criminals, the reasons for and the places of their detention, if they are detained, and the names and location of witnesses.

(c) shall take appropriate measures to see that witnesses and evidence will be available when required.

(d) shall have the right to cause all persons so arrested and charged, and not delivered to another authority as herein provided, or released, to be brought to trial before an appropriate tribunal. Such tribunal may, in the case of crimes committed by persons of German citizenship or nationality, against other persons of German citizenship or nationality, or stateless persons, be a German Court, if authorized by the occupying authorities.

2. The tribunal by which persons charged with offenses hereunder shall be tried and the rules and procedure thereof shall be determined or designated by each Zone Commander for his respective Zone. Nothing herein is intended to, or shall impair or limit the jurisdiction or power of any court or tribunal now or hereafter established in any Zone by the Commander thereof, or of the International Military Tribunal established by the London Agreement of 8 August 1945.

3. Persons wanted for trial by an International Military Tribunal will not be tried without the consent of the Committee of Chief Prosecutors. Each Zone Commander will deliver such persons who are within his Zone to that committee upon request and will make witnesses and evidence available to it.

4. Persons known to be wanted for trial in another Zone or outside of Germany will not be tried prior to decision under Article IV unless the fact of their apprehension has been reported in accordance with Section 1 (b) of this Article, three months have elapsed thereafter, and no request for delivery of the type contemplated by Article IV has been received by the Zone Commander concerned.

5. The execution of death sentences may be deferred by not to exceed one month after the sentence has become final when the Zone Commander concerned has reason to believe that the testimony of those under sentence would be of value in the investigation and trial of crimes within or without his Zone.

6. Each Zone Commander will cause such effect to be given to the judgments of courts of competent jurisdiction, with respect to the property taken under his control pursuant hereto, as he may deem proper in the interest of justice.

Article IV

1. When any person in a Zone in Germany is alleged to have committed a crime, as defined in Article II, in a country other than Germany or in another Zone, the government of that nation or the Commander of the latter

Zone, as the case may be, may request the Commander of the Zone in which the person is located for his arrest and delivery for trial to the country or Zone in which the crime was committed. Such request for delivery shall be granted by the Commander receiving it unless he believes such person is wanted for trial or as a witness by an International Military Tribunal, or in Germany, or in a nation other than the one making the request, or the Commander is not satisfied that delivery should be made, in any of which cases he shall have the right to forward the said request to the Legal Directorate of the Allied Control Authority. A similar procedure shall apply to witnesses, material exhibits and other forms of evidence.

2. The Legal Directorate shall consider all requests referred to it, and shall determine the same in accordance with the following principles, its determination to be communicated to the Zone Commander.

(a) A person wanted for trial or as a witness by an International Military Tribunal shall not be delivered for trial or required to give evidence outside Germany, as the case may be, except upon approval by the Committee of Chief Prosecutors acting under the London Agreement of 8 August 1945.

(b) A person wanted for trial by several authorities (other than an International Military Tribunal) shall be disposed of in accordance with the following priorities:

(1) If wanted for trial in the Zone in which he is, he should not be delivered unless arrangements are made for his return after trial elsewhere;

(2) If wanted for trial in a Zone other than that in which he is, he should be delivered to that Zone in preference to delivery outside Germany unless arrangements are made for his return to that Zone after trial elsewhere;

(3) If wanted for trial outside Germany by two or more of the United Nations, of one of which he is a citizen, that one should have priority;

(4) If wanted for trial outside Germany by several countries, not all of which are United Nations, United Nations should have priority;

(5) If wanted for trial outside Germany by two or more of the United Nations, then, subject to Article IV 2 (b) (3) above, that which has the most serious charges against him, which are moreover supported by evidence, should have priority.

Article V.

The delivery, under Article IV of this Law, of persons for trial shall be made on demands of the Governments or Zone Commanders in such a manner that the delivery of criminals to one jurisdiction will not become the means of defeating or unnecessarily delaying the carrying out of justice in another place. If within six months the delivered person has not been convicted by the Court of the Zone or country to which he has been delivered, then such person shall be returned upon demand of the Commander of the Zone where the person was located prior to delivery.

Done at Berlin 20 December 1945

(CONL/P (45) 53)

United States Policy on Status of Austria

[Released to the press October 28]

The Department of State considers that the visit to the United States of Dr. Karl Gruber, Foreign Minister of the Austrian Federal Republic, represents an appropriate occasion to reaffirm United States policy with respect to the status of Austria.¹

During the period following the first World War, the United States Government steadily encouraged the development of a free and independent Austrian state based on democratic principles, and viewed with strong disapproval all Nazi attempts to force Austria into the German Reich. The attitude of the United States toward the military occupation of Austria by Germany and its formal incorporation in the German Reich in 1938 was guided by this consideration and by the well-established policy of the United States toward the acquisition of territory by force. While, as a practical matter, the United States was obliged in its effort to protect American interests to take cer-

¹ Dr. Karl Gruber made a five-day informal visit to Washington from Oct. 25 to 29, where he was received by President Truman at the White House and participated in a series of conferences with officials of the Department of State.

On Oct. 25 Dr. Gruber met with Under Secretary of State Acheson to review the current Austrian situation and political problems of common interest to Austria and the United States. The Foreign Minister was informed that on Oct. 22 authorization was cabled to U.S. Military Headquarters in Austria to turn over \$5,000,000 worth of monetary gold, claimed to have been originally owned by the Austrian National Bank and subsequently seized by the German Reichsbank. This gold, which is now in U.S. custody in Salzburg, will be restored to the Austrian Government upon presentation of satisfactory evidence of former ownership.

On Oct. 28 Dr. Gruber met with Under Secretary of State for Economic Affairs, William L. Clayton, and the heads of the various economic offices and divisions of the Department of State to discuss economic questions of importance to Austria, including the ration level in Austria and post-UNRRA relief for Austria. Dr. Gruber was assured that the United States would do its utmost

to maintain administrative measures based upon the situation created by the *Anschluss*, this Government consistently avoided any step which might be considered to constitute *de jure* recognition of the annexation of Austria by Germany.

In his radio address on May 27, 1941 President Roosevelt referred repeatedly to the seizure of Austria, and described the Austrians as the first of a series of peoples enslaved by Hitler in his march of conquest.² Secretary Hull stated at a press conference on July 27, 1942 that "this Government has never taken the position that Austria was legally absorbed into the German Reich."³ In various wartime administrative measures in the United States, such as the freezing of assets, Selective Service, and registration of aliens, Austrian nationals were included in a separate category from the German or were assimilated to the nationals of countries which Germany seized or occupied by force.

to relieve the difficult situation in Austria. The discussion also covered financial questions, including the unfreezing of Austrian funds in the United States, which should commence directly upon the completion in Austria of certain preliminary technical steps.

On Oct. 29 Dr. Gruber met with Assistant Secretary Hilldring to consider various questions relating to political and economic problems in Austria. Dr. Gruber pointed out the political disadvantage of having within the frontiers of Austria a large group of displaced persons which represent in numbers about 10 percent of the Austrian population. General Hilldring promised the assistance of this Government in solving this problem as expeditiously as possible. Other matters discussed were the restoration of Danube barge traffic which is of vital importance to the economy of Austria and the operation of the United States section of the Allied Commission and its relations to the United States Government. Dr. Gruber was most appreciative of the assistance which General Clark and his personnel are rendering to Austria in the establishment of that country as a free and independent democracy.

² BULLETIN of May 31, 1941, p. 648.

³ BULLETIN of Aug. 1, 1942, p. 660.

The United States has accordingly regarded Austria as a country liberated from forcible domination by Nazi Germany, and not as an ex-enemy state or a state at war with the United States during the second World War. The Department of State believes that this view has received diplomatic recognition through the Moscow Declaration on Austria¹ and the Declaration issued at Algiers on November 16, 1943 by the French Committee of National Liberation concerning the independence of Austria. In accordance with the objectives set forth in the Moscow Declaration to see reestablished a free and independent Austria, an Austrian Government was formed after free elections were held on November 25, 1945.² This Austrian Government was recognized by the four powers represented on the Allied Council, as announced simultaneously on January 7, 1946 in Vienna and the capitals of these states.³ In its meeting of April 25, 1946 the Allied Council, moreover, considered a statement of the United States Government's policy in Austria made by General Mark Clark, and expressed its general agreement with section I, "Status of Austria", in which the United States maintained that since Austria had been liberated from Nazi domination it should be treated as a liberated area.

In the opinion of the Department of State, the judgment of the International Military Tribunal rendered at Nürnberg on September 30-October 1, 1946 gave further international confirmation to this view of Austria's status by defining the invasion of that country as an aggressive act—"a premeditated aggressive step in furthering the plan to wage aggressive wars against other countries". The Nürnberg judgment also states that "Austria was in fact seized by Germany in the month of March 1938".

In order to clarify the attitude of the United States Government in this matter, the United States Government recognizes Austria for all purposes, including legal and administrative, as a liberated country comparable in status to other liberated areas and entitled to the same treatment, subject only to the controls reserved to the occupying powers in the new agreement on control machinery in Austria of June 28, 1946.⁴ The

United States Government believes that the international acts mentioned above are adequate reason for all members of the United Nations to regard Austria as a liberated country.

Ninety Surplus Planes Sold to Sweden

A Department spokesman said on October 24 that the authorization for the sale of 90 surplus P-51 Mustang fighter planes to the Government of Sweden was given at the request of that Government, due to the fact that these planes were needed in part to replace and furnish spare parts for 50 P-51's sold to the Swedish Government in July 1945 by the U.S. Commercial Co. Therefore the sale may be properly viewed as the completion of an earlier sale.

The planes involved in both transactions were in need of repairs and the first group is now largely worn out, so that it is understood that the second group of 90 planes, also in need of repair, will necessarily be used to a great extent for cannibalization and replacement purposes.

In making the 1945 sale and the present one, the Government of the United States recognized the fact that Sweden rendered valuable services to the United States during the war in returning the American air crews forced down in that country, and in other wartime services. In addition, the United States requisitioned at the start of the war several hundred Seversky fighter planes being built in the United States under contract for the Swedish Government, and although the Government of Sweden was fully compensated finally for the loss, the action naturally hindered the development of the Swedish air forces at that critical period and placed some moral obligation on the United States to rectify when possible the embarrassment to Sweden.

¹ BULLETIN of Nov. 6, 1943, p. 310. See also BULLETIN of Nov. 20, 1943, p. 344.

² BULLETIN of Oct. 21, 1945, p. 612. See also BULLETIN of Oct. 28, 1945, p. 665.

³ BULLETIN of Jan. 20, 1946, p. 81.

⁴ BULLETIN of July 28, 1946, p. 175.

Treaty of Friendship, Commerce and Navigation With China

[Released to the press November 4]

A treaty of friendship, commerce, and navigation between the United States of America and the Republic of China was signed at Nanking on November 2.¹

This is the first post-war comprehensive commercial treaty to be signed by either Government. In 1844 the United States and China signed their first treaty of peace, amity, and commerce. That treaty, as supplemented and modified by a number of subsequent treaties and agreements, has constituted the basis of American-Chinese relations throughout a century of cordial friendship between the two countries. Developments in recent years, particularly the relinquishment by this country and by other countries of extraterritorial rights in China, and changes in economic and commercial practices, have led both Governments to desire to conclude a modern, comprehensive treaty of friendship, commerce, and navigation, one which is based in general on the principle of mutuality and which more adequately meets the needs of present day international relationships, in replacement of earlier treaties relating to these matters.

The treaty is somewhat broader in scope than existing United States commercial treaties with respect to the rights for corporations, and includes articles relating to establishment, land holding, and industrial and literary property, commercial articles similar in principle to the general provisions of recent trade agreements, and more detailed coverage of exchange control, the activities of government monopolies, and other matters.

This treaty will supersede existing treaties between the United States and China relating to establishment, commerce, and navigation, but will not limit or restrict the rights, privileges, and advantages accorded by the treaty for the relinquishment of extraterritorial rights in China and the regulation of related matters and accompanying exchange of notes between the two countries signed at Washington on January 11, 1943.

¹ For text of treaty, see Department of State press release 733 of Nov. 4, 1946.

² Treaty Series 978.

The treaty is to be submitted to the Senate and to the Legislative Yuan for approval and will enter into force on the day of the exchange of ratifications.

The treaty was signed at Nanking at 4:00 p. m. standard Nanking time for the United States of America by J. Leighton Stuart, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of China, and Robert Lacy Smyth, Special Commissioner and Consul General of the United States of America at Tientsin; and for the Republic of China by Dr. Wang Shih-Chieh, Minister for Foreign Affairs of the Republic of China, and Dr. Wang Hua-Cheng, Director of the Treaty Department of the Ministry of Foreign Affairs of the Republic of China.

Inter-American Indian Institute

Venezuela

The Mexican Ambassador has informed the Secretary of State of the receipt by the Mexican Ministry of Foreign Affairs of the notice of adherence of Venezuela to the Convention Providing for the Creation of an Inter-American Indian Institute,² opened for signature at Mexico City from November 1 to December 31, 1940. The notice of adherence was deposited August 8, 1946.

Air Base Returned to Peru

[Released to the press October 27]

The United States Government has concluded arrangements with the Peruvian Government for transfer to the latter of the El Pato Air Base at Talara, Peru, implementing the termination clause of the agreement signed by the two Governments on April 24, 1942. The work of the Joint Inventory Commission having been completed, the date of the transfer of the base to Peru has been fixed for October 29, 1946.

The American Ambassador to Peru, Prentice Cooper, representing the United States Government, and the Peruvian Minister of Aeronautics, Enrique Gongora, representing the Government of Peru, will be present at the delivery ceremony, which will take place at the base.

Anglo-American Oil Policy: Basis of Multilateral Trade

BY CHARLES RAYNER¹

I should like to begin with a discussion of three specific points, because I feel that much of the confusion which has existed about the proposed Anglo-American oil agreement, concerning which I shall have something to say later on in my address, arises from a misconception concerning them.²

These three points have to do specifically with the following problems:

(1) our petroleum import policy in its relationship to the maximum efficient rate of production from domestic reserves

(2) the observance of concession contracts granted by foreign powers to American nationals

(3) the extent, if any, of governmental control over the petroleum industry as contemplated both by the Anglo-American oil agreement and by its possible expansion to a multilateral basis.

In a broadcast on August 17,³ in which I participated, an estimate was made that in 20 years' time, consumption figures in the United States might be in the neighborhood of 6½ million barrels a day, with production on the basis of present trends not more than approximately 3½ million barrels a day. The difference, it was assumed, might have to be imported. The statement that this country was faced with the possibility based upon a continuation of present known trends in the industry, of being forced in 20 years' time to import some 3 million barrels of oil a day to satisfy its prospective consumption demand, has given rise to much opposition by some members of the oil industry. The Government officials taking part in the broadcast were accused of again raising the old bogey of an "oil scarcity".

Well, let's look at some of the facts and bear in mind that this discussion refers only to natural petroleum and excludes the possibilities in shale and synthetic oils. A projection of the gradual yearly increase in consumption demand over the

past 15 or 20 years, if continued for the next 20 years or until 1965, would indicate a domestic consumption demand of between 6½ and 7 million barrels a day. It would mean that to maintain the present quantity of reserves, an average of new discoveries amounting to 2 billion barrels a year or 40 billion barrels for the period would be required. Yet, in spite of a substantial increase in the past 8 to 10 years in the number of exploratory holes drilled (from 2630 in 1938 to 5280 in 1945), there has been a steady decline in the new reserves discovered which, if projected to 1965, would approximate a maximum efficient rate of production of something in the neighborhood of 3½ to 4 million barrels of oil a day. These facts and data on prospective consumption and production are not new to the industry. They have been stated by members of the industry itself upon a number of occasions. The net result based on present known trends is a widening gap which in 20 years' time would approximate 3 million barrels of oil a day which presumably would have to be bridged by importations. One more fact—at the beginning of the war a reserve of crude producing capacity had been established amounting to about 1,200,000 barrels a day. At present rates we are today producing about 200,000 barrels a day over the maximum efficient rate. To quote William B. Heroy in this connection—"instead therefore of having a large excess of production capacity as at the beginning of the war, the country now has a substantial deficiency."

It is obvious that any projection for a 20-year period and any estimate of the supply-demand picture at the end of that period must be in its

¹ Address made at the annual meeting of the Independent Petroleum Association of America at Ft. Worth, Texas, Oct. 29, 1946, and released to the press on the same date. Mr. Rayner is adviser on Petroleum Policy, Department of State.

² For text of agreement, see BULLETIN of Sept. 30, 1945, p. 481.

³ Not printed.

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very nature highly speculative and conjectural. Twenty years in the oil industry is a long time. Over two thirds of the oil fields now producing in the United States were undiscovered twenty years ago. Twenty years hence the same situation may possibly be true. But petroleum, in the recent war years, has increased so tremendously in importance as a prime commodity essential to our national safety and our economic security that your Government must of necessity give constant and continuing heed to the prospects indicated by present trends in the industry. The Government must, therefore, in the light of present facts, contemplate the probability that this country will become a net importer of oil on an increasingly larger scale. It was for the purpose of bringing that probability before its hearers that this phase of the domestic and foreign petroleum situation was discussed in the broadcast of August 17.

The question that concerns your Association chiefly, however, is: "What is to be our future import policy and can we rely upon it to safeguard the prosperity of our domestic industry?" That is a fair question and it is entitled to a clear and concise answer. Let me attempt to answer it.

1. It is essential to the national safety and the economic well-being of this country that your Government should provide every legitimate means leading to the healthy expansion and growth of the domestic oil industry so that the prospecting for and the finding of new oil reserves may be given added encouragement. Domestic oil production is our first line of defense and is therefore entitled to primary consideration.

2. Practices which tend to waste oil and gas resources should be terminated, and production should be limited as a maximum to that which can be produced under conditions consonant with good conservation practices.

3. In the event that the optimum rate of production for domestic petroleum does not meet domestic requirements, a legitimate place exists for imports in order to avoid the necessity either of artificial curtailment of demand or of uneconomic exploitation of our domestic reserves. In other words, imports of oil will, as a general principle, supplement and not replace domestic production, so that such imports will not create conditions

harmful to the continued progress and efficiency of the domestic industry.

4. The United States Government, in the light of present circumstances, will take every appropriate means to encourage, assist, and protect American nationals in the development of foreign oil reserves.

5. Lastly, it is the continued progress and prosperity of the American petroleum industry at home and abroad with all its ramifications and complexities that will be a prime concern of your Government as a means of protecting its national safety and its economic welfare.

The second point which I should like to discuss with you today is in connection with the sanctity of concession contracts. There has been no change in the State Department's position on this subject. It still upholds the principle enunciated in the Anglo-American oil agreement "That the Government of each country and the nationals thereof shall respect all valid concession contracts and lawfully acquired rights, and shall make no effort unilaterally to interfere directly or indirectly with such contracts or rights." I want to make this perfectly clear, as some misconception has developed recently on the part of some of the American oil companies. This principle was amplified somewhat in the recent broadcast. Concession contracts are usually granted for periods ranging from 50 to 75 years. Conditions which are present at the time the concession is granted may often change with the progress of economic and social advancement so that, after a period of years, dissatisfaction on the part either of the grantor or the concessionaire may creep in and gradually develop until some form of unilateral decisive action becomes inevitable. The history of the oil business abroad gives ample evidence of such occurrences. It was suggested in the broadcast that should such a dispute arise it would be well to have some tribunal before which both parties to the dispute could appear voluntarily and be heard so that the world would know the rights and wrongs of the case. Such action would be suggested at the inception of the difficulty so that the disagreement would not be permitted to fester until drastic action became the only solution. I find no inconsistency with this procedure in anything that was said in the recent broadcast.

The third point has to do with the extent of governmental control over the petroleum industry as envisioned in the Anglo-American oil agreement and in its possible expansion to a multilateral oil agreement. The former agreement, in the opinion of able counsel, is based upon voluntary compliance as specifically stated in Article VI^b of the agreement itself, and nowhere is there either stated or implied any power of enforcement either in the terms of the agreement or in the function assigned to the International Petroleum Commission proposed thereunder. This point was discussed exhaustively with the representatives of the oil industry and their counsels during the rewriting of the original agreement. The wording was satisfactory to the industry as well as to the Government representatives of both the United States and Great Britain. I have been intimately connected with the negotiations from their inception and I can unhesitatingly assure you that there has been complete unanimity on this subject. Either the industry advisers or the negotiators would have seriously objected to the terms of the agreement if there had been any doubt on this point.

Now as to the multilateral agreement. It is to be presumed that it would be the natural outgrowth of the Anglo-American oil agreement since that agreement contemplates an expansion from the interim bilateral phase to a permanent multilateral agreement embracing all interested producing and consuming countries. It is true, however, that no such determination can be made until the agreement has received the approval of the Senate Foreign Relations Committee and is voted upon affirmatively by the Senate. On the other hand, as suggested in the broadcast, some sort of a multilateral agreement might possibly emanate from the United Nations, presumably from the Economic and Social Council. There is nothing in the charter of the Economic and Social Council that would prevent it from setting up a commission to handle petroleum. But, irrespective of the origin of such a commission, it is reasonable to assume that it or any other established international economic agency will be brought eventually into relationship with the United Nations. You may be assured that whatever course of action is eventually undertaken, this Government has never

contemplated giving more than advisory functions to any international body in the petroleum field created either under the Anglo-American oil agreement or under the United Nations.

I have spoken repeatedly today of the Anglo-American oil agreement and have emphasized that no provision in that agreement is to be construed as requiring either the Government or its nationals to comply with any report or proposal made by the International Petroleum Commission. I have emphasized that particular phase of the agreement advisedly, since there has been some misunderstanding on this point.

I should like to conclude by attempting to give to you some idea of the great contribution to peace and world-wide economic prosperity that I see in an international agreement on a commodity as vital and as volatile as oil. I feel that such an attempt is of particular interest to your association as leaders in an industry of which we as American oilmen can be truly proud.

I see in a broad international understanding on the conduct of the international trade in oil these advantages—all of which formed the background and are encompassed by the Anglo-American oil agreement.

1. It seems to me that such an agreement would provide for a cooperative approach to common problems, specifically for the establishment of a forum where technical and economic problems in the field of petroleum may be openly and frankly discussed by expert government representatives. In so doing it would provide for full and adequate government-industry collaboration and consultation.

2. Such an agreement would lay the foundation for negotiating a multilateral agreement based upon the acceptance by all the interested producing and consuming countries of fair and equitable principles as a means of promoting their national and economic well-being.

3. Such an agreement would tend to eliminate practices and arrangements restrictive to an expanding international trade in petroleum whether such harmful activities reflect governmental or private policy.

4. Such an agreement would embody a formal

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recognition by the governments concerned of the principle of equal commercial opportunity and furthermore a recognition that when rights are acquired to explore for oil and to develop petroleum resources in any other country, the interests of such producing country should be safeguarded with a view to its economic advancement.

5. Such an agreement would assert a definite respect for valid concession contracts and other lawfully acquired rights and provide against molestation of such rights by either a country or its nationals; thus it should dissipate the atmosphere of suspicion and mistrust and create a new climate in which future petroleum problems may find full-scale government-industry cooperation.

6. Lastly, and not the least in importance, such an agreement would provide the means through which difficulties which may arise in our international petroleum relations may be met and an attempt made to resolve them at their inception by free and open discussion by the parties at interest so that such difficulties may not be permitted to develop into issues of major proportions.

It is for these reasons then that I consider an international agreement on oil an extremely important step forward in our foreign relations. It will serve to bring about international good will and understanding in the field of vital commodity, one that has definitely become of major importance to our own national security and economic well-being as well as to that of other nations throughout the world. It will contribute largely to the attainment of peace and prosperity among nations through the promotion of cooperative understanding and through the elimination of the many causes of friction that have marred international relations in the past.

Naval Mission Agreement With Colombia

[Released to the press October 14]

In conformity with the request of the Government of the Republic of Colombia there was signed on October 14, at 3:45 p.m., by Acting Secretary Acheson and Carlos Sanz de Santamaria, Ambassador Extraordinary and Plenipotentiary of Colombia to the United States of America, an

agreement providing for a United States naval mission to Colombia for the purpose of instruction of the personnel of the Colombian Navy.

The agreement is to continue in force for four years from the date of signature and may be extended beyond that period at the request of the Government of Colombia.

The provisions of the agreement are similar to those in agreements between the United States and other American republics providing for the details of officers and enlisted men of the United States Army, Navy, or Marine Corps to advise the armed forces of those countries. The provisions relate to the duties, rank, and precedence of the personnel of the mission, the travel accommodations to be provided for the members of the mission and their families, the provision of suitable medical attention for the members of the mission and their families, and related matters.

Nazi Conspiracy and Aggression, Volume V

The recent verdicts in the Nürnberg trials and the execution of the Nazi war criminals have caused a reawakening of interest in the documents which aided the war crimes prosecution in obtaining a just and legal verdict of guilty. These documents are being made available to the general public in a series of eight volumes, three of which (volumes III, IV, and V) have already been completed and are currently available at the office of the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C. The eight-volume set is being sold for \$18, delivery being made of each volume as it comes off the press.

Volumes I and II, yet to be published, will offer explanatory material in essay form, giving background material and explaining the documents which appear in the latter six volumes of the series. The documents cover the methods used by the Nazi conspirators to gain control of Germany, their political purge, destruction of unions, slave labor and concentration camps, and the plans of aggression and destruction which launched the past war. A minimum of legal phraseology is used, since the series is intended primarily for the general public.

Aid for American Veterans To Study Abroad

The Department of State and the Veterans Administration are cooperating in the policy of aiding American veteran students, who have the desire and aptitude to study abroad, under a program which it is expected will contribute greatly to the furtherance of the international understanding so vital to peace in the post-war world. According to the records of the Central Office of the Veterans Administration, Washington, D.C., more than 1,100 veterans who have indicated definite desire to study abroad have already received certificates of eligibility entitling them to educational benefits. In addition to this number, hundreds of other certificates of eligibility have been issued for education in foreign institutions by regional offices of the Veterans Administration throughout the country. In addition, approximately 350 students already have been successfully enrolled in foreign institutions. Veterans on the rolls are widely scattered, 41 institutions in 14 countries being represented.

A list comprising 903 foreign institutions at which veterans may study under the Servicemen's Readjustment Act (the "G. I. Bill") has been approved by the Veterans Administration. These approved institutions are located in 68 countries throughout the globe and include many of the world's leading universities, colleges, and professional schools, as well as art and music conservatories, technical schools, and other specialized institutions.¹

Ranging from Reykjavik, Iceland, on the north, to Dunedin, New Zealand, on the south, the list includes, in addition to the renowned institutions which have long attracted American students to Europe, Latin America, and the Far East, many institutions in areas where few Americans have studied before, such as a university at Malta and an agricultural college on the island of Mauritius.

The list of approved institutions as it now stands is not a final one, since it is supplemented periodically upon request of veterans wishing to enrol for courses in institutions not already approved.

For example, an institution in Iceland was added at the request of a veteran who married an Icelandic girl while he was stationed in that country and who desired to return there to study the silver-smith's trade.

The requests of veterans to attend certain institutions are always given careful consideration, and if there is any question regarding the status of the institution concerned, the Foreign Service establishments of the Department of State make necessary investigations and submit data for the consideration of the Veterans Administration.

Canada leads all other foreign countries in the number of approved institutions, the present total being 221. England has 141; France, 63; Italy, 52; Switzerland, 43; Australia, 27; China, 23; Mexico, 27; Scotland, 21; India, 19; Belgium, 15; Colombia, 13; and Denmark and Sweden, 12 each.

A veteran desiring to attend a foreign institution must first apply for benefits under the Servicemen's Readjustment Act. The Veterans Administration Form 1950, "Application for Education or Training", may be obtained from the Regional Veterans Administration office nearest the veteran's residence, from the Central Office of the Veterans Administration, Washington, D.C., or in foreign countries from the nearest diplomatic or consular office of the United States. This completed form together with a photostatic copy of the honorable discharge papers of the veteran must be returned to the office from which the Form 1950 was obtained. A Veterans Administration Form 1953, "Certificate of Eligibility and Entitlement", is then issued to the veteran. This form enables him to enrol in any institution approved by the Veterans Administration.

As soon as he has selected the institution which he desires to attend, the veteran should contact the institution and request acceptance therein. Not until he has been notified by the institution of his

¹ For list of the foreign institutions, see Department of State press release 789, Oct. 31, 1946.

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acceptance should he arrange for his passport, visas, and transportation. It is not possible to obtain travel allowances as part of the veteran's benefits under the provisions of Public Law 346, known as the "G.I. Bill of Rights."

Immediately upon his enrolment in the institution, the veteran should submit his Form 1953 to the institution for endorsement. This endorsed form, together with a certified statement from an official of the institution giving information regarding the classification, course being pursued, whether part-time or full-time student, etc., will then be sent to the nearest American diplomatic or consular officer for transmittal via State Department channels to the Veterans Administration. This procedure must be completed before subsistence allowance may be authorized.

The educational benefits under the Servicemen's Readjustment Act, which include provision for tuition and fees up to \$500 for a regular school term and subsistence allowance of \$65 or \$90 per month, are open to qualified veterans who initiate their course of study not later than four years after the date of discharge or the termination of World War II, whichever is the later.

Veterans of World War II who desire to attend institutions in foreign countries under the provisions of the "G. I. Bill of Rights" are advised of the following limitations and problems:

1. Approval of institutions by the Veterans Administration does not indicate that it is currently possible for veterans to attend them in every case, because certain countries and institutions have found it impossible to accommodate foreign students during the immediate post-war period.

2. All veterans who desire to study abroad should bear in mind that they will likely encounter difficulties in connection with high costs of living which, together with restrictions preventing American students from taking part-time jobs while attending school, make it impossible in many foreign countries for the veteran's subsistence allowance (\$65 for a single veteran, or \$90 for a veteran with a dependent) to cover minimum expenses.

¹ BULLETIN of Sept. 8, 1946, p. 464, and Oct. 13, 1946, p. 690.

3. Differences in scholastic standards pose another problem which confronts the veteran studying abroad. Some of the leading universities in Europe will not admit American students before they have completed two or more years of undergraduate study, and some insist on knowledge of a foreign language as a prerequisite to enrollment.

4. There are also to be considered differences in scholastic credits and classifications, which often times render it difficult to transfer from American to foreign institutions, and vice versa.

5. Housing, food, and clothing shortages as well as other unfavorable post-war conditions in the occupied territories of Germany, Austria, Japan, and Korea, preclude the possibility of study in these areas on the part of American veterans or other citizens of the United States during the immediate future.

Veterans wishing to study abroad should request information on all such problems regarding the institution and the foreign country in which they are interested by addressing their inquiries to the Foreign Education Division of the Veterans Administration, Washington, D.C., if residing in the United States, or to the nearest diplomatic or consular office of the United States, if residing abroad.

Coffee Request to Brazil Terminated

[Released to the press October 22]

The Department of State announced on October 22 that a note had been presented to the Brazilian Embassy in Washington withdrawing the request made on September 28, 1946, for 500,000 bags of coffee to be placed on the market in October 1946.

This action was taken as the "Memorandum of Understanding between the Governments of Brazil and the United States of America concerning coffee prices and supplies" was terminated by the decontrol of coffee prices announced by the Office of Price Administration on October 17, 1946. The memorandum of understanding mentioned above was to endure until March 31, 1947 or as long as coffee was subject to price control, whichever was the shorter period.

Recipients Under Cultural Cooperation Program

The Department of State announced on October 16 the awarding of grants-in-aid to three American educators under the program providing for the exchange of professors and technical experts between this country and the other American republics.

Frederick L. Adair, former professor of obstetrics and gynecology of the University of Chicago, and former chief of the medical staff of the Lying-in-Hospital of the University of Chicago, will lecture at the universities in Buenos Aires, Córdoba, Santa Fé, and La Plata. He has been invited by the Society of Obstetrics and Gynecology of Argentina as a special delegate to the Sixth Argentine Congress of Obstetrics and Gynecology and will deliver several lectures and mediate in the discussion of these subjects.

A. C. Howell, professor of English, University of North Carolina, will serve for a year as visiting professor of English and American literature at the National University of San Carlos, Guatemala.

Mark Hanna Watkins, professor of anthropology and sociology, Fisk University, Nashville, Tennessee, will spend a year in Guatemala to make a survey of the Indian language of Guatemala, under the technical direction of the National Indian Institute of Guatemala.

On October 18 the Department of State announced two additional grants-in-aid to Americans to lecture and teach in the American republics.

Albert L. Delisle, formerly assistant professor of biology, College of William and Mary, Williamsburg, Virginia, will serve as head of the department of botany at the National College of Agriculture, Medellín, Colombia. He will remain in Colombia for one year, teaching courses in general biology, elementary and advanced botany, plant taxonomy, and plant physiology.

Herman H. Henkle, director, processing department, Library of Congress, will confer with leading librarians of Guatemala, Venezuela, Brazil, Argentina, Uruguay, Chile, and Peru during the period from October 9 to November 18, 1946.

The Department of State on October 17 announced that Yeh Chien-yu, Chinese cartoonist

and artist, will spend a year in this country under the cultural-cooperation program. After a two-week tour of art centers and museums in California, Mr. Yeh arrived in Washington in October and is expected to spend one or two months visiting art centers and museums in the East.

Non-Military Activities in Japan

Summation no. 11 for the month of August, 1946 of non-military activities in Japan, consisting of information on political, economic, and social activities, was released to the press simultaneously by General Headquarters, Supreme Commander for Allied Powers, Tokyo, and by the War Department in Washington on October 20.

THE DEPARTMENT

Appointment of Officers

Warde M. Cameron as Executive Assistant, Office of Assistant Secretary for Occupied Areas, effective May 2, 1946.

Ernest A. Gross as Special Assistant, Office of Assistant Secretary for Occupied Areas, effective May 4, 1946.

Norman T. Ness as Director, Office of Financial and Development Policy, effective August 12, 1946.

Dallas W. Dort as Adviser on Relief and Rehabilitation, Office of Assistant Secretary for Economic Affairs, effective September 8, 1946.

Harlow J. Heneman as Special Assistant, Office of Assistant Secretary for Occupied Areas, effective September 25, 1946.

Clare H. Timberlake as Chief, Division of African Affairs, effective October 7, 1946.

Robert P. Terrill as Associate Chief, International Resources Division, effective October 20, 1946.

Code of Federal Regulations, Title 22

AUTHORITY TO ACCEPT REPARATIONS PAYMENT¹

§ 301.30 *Authority to accept reparations payment.* The Director of the Office of Economic Security Policy, under the general direction of the Assistant Secretary for Economic Affairs and in accordance with current general policies of the Department, shall be responsible for negotiating for and accepting on behalf of the United States

¹ 11 Federal Register 12609.

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Government both property and funds allocated to the United States as reparations payments. The Director of the Office of Economic Security Policy, acting for the Department of State as the owning agency in case of physical property, will declare such property surplus, when appropriate, and make it available to the proper disposal agency subject to such special considerations as are contained in the international agreements under which such property is allocated to the United States. Funds received, either directly as reparations payments or as a result of sales of physical property, will be deposited in a special account in the United States Treasury. More specifically, the Director shall:

(a) Arrange, in cooperation with appropriate officials of the Department of Commerce, to establish and chair an Interdepartmental Advisory Committee on Reparations Property for the purpose of securing the advice and recommendations of other interested Government agencies.

(b) Receive data provided by the Allied Control Council (ACC) and the Inter-Allied Reparation Agency (IARA) with respect to properties which become available as reparations and transmit it to the secretariat of the Interdepartmental Advisory Committee for circularization to all interested United States agencies and business firms.

(c) Determine the properties to be sought for allocation to the United States as reparations on the basis of the recommendations of the Interdepartmental Advisory Committee, and conduct necessary correspondence with the Allied Control Council (ACC), Inter-Allied Reparation Agency (IARA), and such other agencies or governments as may be appropriate.

(R.S. 161, Pub. Law 584, 79th Cong.; 5 U.S.C. 22)

This regulation shall become effective immediately upon publication in the Federal Register.

[SEAL]

DEAN ACHESON,
Acting Secretary of State

Departmental Regulations

116.1 Office of the Legal Adviser (Le): (Effective 9-6-46)

I FUNCTIONS. The functions of Le shall include:

A Economic Affairs.

1 Providing legal services for the Under Secretary for Economic Affairs, the Assistant Secretary for Economic Affairs and for the offices (other than the Office of Foreign Liquidation) under the direction of the Assistant Secretary for Economic Affairs, and economic matters otherwise arising in the Department.

B Treaties and Other International Agreements.

1 Collecting, compiling, and maintaining information pertaining to treaties and other international agreements.

2 Performing research and furnishing information and advice with respect to the provisions of such existing or proposed instruments.

3 Procedural matters, including the preparation of full powers, ratifications, proclamations, and protocols.

4 Matters related to the signing of ratifications, proclamations, and registration of treaties and other international agreements.

5 Custody of the original texts of treaties and other international agreements.

6 Typing and binding of the official (ribbon) copies of treaties, agreements, and so forth, prepared in the Department of State.

C Public Affairs. (Added 10-21-46)

1 Providing legal services for the Assistant Secretary for Public Affairs, and for the Offices and Divisions under the direction of the Assistant Secretary for Public Affairs.

II ORGANIZATION.

A Assistant Legal Adviser for Economic Affairs.

B Assistant Legal Adviser for Special Legal and Public Affairs. (Added 10-21-46)

182.6 Advisory Committee on Voluntary Foreign Aid (VFA): (Effective 5-14-46)

I FUNCTIONS.

A The Advisory Committee on Voluntary Foreign Aid (VFA) was established under authority of similar letters from the President to the Secretaries of State and Agriculture on May 14, 1946, "to tie together the Governmental and private programs in the field of foreign relief and to work with the Famine Emergency Committee and other interested agencies and groups"; and for the purpose of continuing the liaison advisory and consultative functions formerly performed by the President's War Relief Control Board terminated by Executive Order 9722 of May 14, 1946.

B The Committee exercises advisory functions to guide the public and agencies seeking support of the public, in the solicitation and appropriate and productive use of contributions for voluntary foreign aid, including projects of a related character, other than religious, and donated as expressions of the humanitarian interest of the American people in the welfare of the war-stricken people. To this end the Committee undertakes:

1 Liaison and consultation between appropriate Federal, international and other public authorities and private bodies of related interests to facilitate policies and procedures.

2 Appraisals abroad of foreign relief and other wants appropriate for American voluntary support, and of the evaluation of American voluntary operations.

3 Maintenance of a public record of the organization, programs, operations, receipts, and disbursements

voluntarily filed by agencies making appeals for foreign aid.

4 Evaluation of voluntary agency programs, budgets and operations, and correlation with related public programs in collaboration with appropriate public authorities and private bodies of interest.

C On matters concerning the foreign policy of the Government of the United States, the Committee will be guided by the Department of State.

II ORGANIZATION. The Advisory Committee is composed of private citizens appointed by the Secretary of State and the Secretary of Agriculture since much of the activity concerning foreign relief is now centered in the Departments of State and Agriculture. Representatives and observers of the Departments of State, War, Agriculture, Commerce, and Justice, and of the United Nations Relief and Rehabilitation Administration, the Intergovernmental Committee for Refugees, and the American Red Cross have been designated by the heads of these agencies to collaborate in the work of the Committee and to participate in its meetings for the consideration of matters of special interest.

III SECRETARIAT. The Secretariat shall serve the Advisory Committee and act at its direction in accomplishing the functions enumerated under paragraph I, and as follows:

A In order that the coordinating relationship with voluntary foreign relief agencies may be provided, and their programs integrated with public programs, as requested by the President, and the responsibility therefor discharged as effectively as possible, the Secretariat of the Advisory Committee, will maintain interdepartmental liaison with the Departments of State and Agriculture (including the Famine Emergency Committee), and in related matters with the Departments of War, Commerce, and Justice, and will work closely with the staffs of these and other Federal agencies, United Nations Relief and Rehabilitation Administration, the Intergovernmental Committee for Refugees, the American Red Cross, and private agencies, in the development of policies and procedures of mutual interest in the field of voluntary foreign aid.

B The Secretariat will assume responsibility for definitive action by the Advisory Committee on matters within its terms of reference, and will, in related matters which require policy determination or procedures outside of its competence, supply the appropriate agency with background information and recommendations.

C Offices and Divisions of the Department of State are requested to bring to the attention of the Secretariat any matters involving voluntary foreign aid which should receive the consideration of the Advisory Committee, including information and reports received from abroad, or extracts from general reports which have specific reference or application to voluntary foreign aid or relief. The

Secretariat shall be attached to the Department through the Division of International Labor, Social and Health Affairs (ILH) which will provide such administrative services and facilities for the Secretariat as may be required by the Advisory Committee.

193.3 Institute of Inter-American Affairs (IIAA): (Effective 5-20-46)

I FUNCTIONS. The Institute was formed to aid and improve the health and general welfare of the peoples of the Western Hemisphere in collaboration with their governments; and is carrying out the cooperative program entered into under agreements with the other American republics in the fields of health and sanitation, and food supply. Through the facilities of the Institute, administrative and other general services are performed in the United States and in the other American republics for the Inter-American Educational Foundation, Inc. (IAEF), and for the Institute of Inter-American Transportation (IIAT), Prencinradio, Inc. (PCR), and the Inter-American Navigation Corporation (IANC), these last three corporations being in process of liquidation.

II ORGANIZATION, MANAGEMENT, AND RELATION TO THE DEPARTMENT.

A The Institute is a membership corporation formed under the Laws of Delaware, and has no capital stock. The members are designated by the Secretary of State, and they in turn elect directors from their own number. The Secretary has designated as members of the Institute Assistant Secretaries Braden (Chairman), Benton, Clayton, and Russell, together with a representative from the Office of each of the above-named Assistant Secretaries, and two operating officials of the Institute. Each of the members has been made a director. The Executive Committee is composed of the President of the Institute and the representatives from the offices of the Assistant Secretaries.

B The Board of Directors has full management of the affairs and property of the Institute, and elects the officers of the corporation and approves the appointment of the division directors. The officers and division directors carry on the Institute's operations in accordance with the policies and resolutions of the directors. The Executive Committee acts on all policy matters between meetings of the Board. The Institute has its own administrative facilities, both in the United States and in the other American republics.

C Existing liaison relationships and communication channels between the Institute and offices of the Department have not been changed by the termination of the Office of Inter-American Affairs; all formal policy communications between the Department and the Institute clear through the office of the Assistant Secretary for American Republic Affairs.

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Contributors

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